

**LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**

**BOARD MEETING**

**MAY 5, 1994**

**JOHN F "JEFF" SCHNEIDER  
CHAIRMAN**

**NEW ORLEANS, LOUISIANA**

The following constitute minutes of the Commission Meeting  
and are not a verbatim transcript of the proceedings.

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Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808

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**AGENDA**  
**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**  
**METAIRIE, LOUISIANA**  
**MAY 5, 1994**

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MINUTES OF THE MEETING  
OF  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, May 5, 1994

Chairman Jeff Schneider presiding.

Bert Jones  
Peter Vujnovich  
Jerald Hanchey  
Perry Gisclair  
Joseph B. Cormier  
Tee John Mialjevich

Secretary Joe L. Herring was also present.

Chairman Schneider called for a motion for approval of the **April 7, 1994, Commission Minutes**. A motion for approval was made by Commissioner Vujnovich and seconded by Commissioner Hanchey. The motion passed unanimously.

**Presentation of Data and Declaration of Emergency to Set 1994 Spring Inshore Shrimp Season** was presented by Mr. Corky Perret. He began by recognizing and acknowledging members of the staff attending the meeting, especially Mr. Brandt Savoie. The presentation included graphs of shrimp landings from 1980 - 1993; heads-off landings for shrimp during 1993 as compared to the 5 year average of 1987 - 1992; weight of shrimp landings for 1993 as compared to 1982 - 1991 averages; brown and white shrimp catch for years 1976 - 1993; and shrimp gear license sales from 1975 - 1993. A map showing the sampling stations on the coast along with a video were shown at this point.

The discussion then turned to hydrology and biological data. Graphs shown included rainfall for southeast Louisiana; discharge from the Mississippi River; north and south Barataria Bay salinity levels; monthly and daily water temperature for south Barataria Bay; and April brown shrimp nursery areas for years 1967 - 1993. Information from the biological graphs included cumulative postlarval catch in Barataria Bay; brown shrimp caught in 6' trawls during April; mean size of brown shrimp caught in 6' trawls during April in Barataria Bay; brown shrimp caught and their size in 10 minute samples from seven different locations along the coast during week 18; and predicted tides for Barataria Bay for May 1994. A map showing the three zones was shown as well as charts showing projected dates when at least 50% of the shrimp would be marketable for all three zones. Mr. Perret advised, based on the 100 count criteria, there were several options the Department could suggest for opening the zones. The first option would be to open all zones on May 23. The second option would be to open Zone 2 on May 16 and

Zones 1 and 3 on May 30. Commissioner Mialjevich asked what was the recommendation for Zones 1 and 3? Then he restated the options presented by the Department and stated he would take an inventory of public comments received during the meeting. Mr. Perret reminded the Commission that an offshore area around Vermilion Bay was still closed and when the inside waters opened, then it would be recommended the offshore waters open also. Commissioner Jones asked Mr. Perret for his recommendation from the options given. Chairman Schneider opened the discussion for public comments.

Mr. Calvin Cheramie asked what was the reason for opening Calcasieu Lake? Mr. Perret stated there were opportunities to catch larger white shrimp from the lake and this would not interfere with the brown shrimp. Mr. Cheramie then commented that people from Zone 2 ask for openings and never get what they want. Mr. Perret asked Mr. Cheramie what was he asking for? Mr. Cheramie then requested opening the season no later than May 16.

Mr. Lionel Pauley, Destrehan, asked if you open Zone 2 on May 16, why not open Zones 1 and 3 on May 23?

Mr. Gary Moote, Lafitte, stated he thought the shrimp in the video looked bigger than what was predicted for now. Speaking for inshore shrimpers in the Lafitte-Barataria area, Mr. Moote asked for the season to open on May 16 for Zone 2. Chairman Schneider asked Mr. Moote if he had any recommendation for Zones 1 and 3? Mr. Moote stated he had no recommendation for those zones.

Mr. Richard Cheramie, Cut Off, recommended opening on May 16 in order to get back what was lost last year.

Mr. Ronald Collins, Quality Seafood in Leeville, recommended an opening date of May 16 for Zone 2. He also felt people from Zones 1 and 3 should make their own recommendation for an opening date.

Mayor Timothy Kerner, Town of Jean Lafitte, presented a petition from Zone 2 fishermen to open the season on May 16. He then explained what opening the season with a late date has done to the economy of their town. He then asked Commissioner Mialjevich and Commissioner Gisclair to make a motion for opening the season on May 16.

Mr. Verlyn Champagne, a recreational trawler, asked if the season for Zone 2 was opened on May 16, to leave it open for 50 days.

Mr. Bozo Griffin stated opening Zone 2 on May 16 was fine with him.

Mr. George Barasich, United Commercial Fisherman's Association, recommended opening the season statewide on May 23.

He felt opening statewide gave everyone the chance to work in their own areas and there would not be any overfishing.

Mr. Danny Babin, a shrimp processor, stated he did not have a preferred date. He felt the Commission needed to make that decision based on biological data. Mr. Babin reminded the Commission that there were 30 to 40 fewer peeling machines this year because of gambling and the entire process needs to be looked at. Chairman Schneider asked how many machines were still in operation? Commissioner Cormier stated giving a preferred date would help the Commission to determine if it would be better for the processors to have shrimpers from all over coming to them or have shrimpers from one area go to various processors.

Mr. Gene Adams, a shrimper from Zone 2, stated all boats would come to Zone 2 because they do it every year. The biological data showed the season could be opened on May 16.

Mr. Bill Chauvin, representing the American Shrimp Processors Association, asked Commissioner Mialjevich if he had a list of recommendations, would you tally the recommendations and vote on that tally and not pay attention to the biological data? He reiterated what had been stated about opening at one time, the processors would be inundated. If the season would be open too soon, there would be a negative economic impact on Louisiana stated Mr. Chauvin. Commissioner Mialjevich asked what was the difference? Then Commissioner Mialjevich asked if the larger shrimp peeled would be easier to get rid of and was not that the problem with prices? Commissioner Gisclair stated the shrimp was an animal that migrated with the moon, the current or the weather and it could not be guaranteed that the shrimpers could not get more money for their shrimp because they would move off into the Gulf of Mexico.

Mr. Charlie Kerner, Justice of the Peace of Lafitte, began by thanking the Commission for allowing him to speak. He stated the brown shrimp could not be taken in any month but May and June. The shrimp do not come into the inside waters to eat and grow, but migrate back to the Gulf. He stated there should be more studies done on the migration of the shrimp from the Gulf into inshore waters and back to the Gulf again. Mr. Kerner requested taking the earliest date to open the season in order for the shrimpers to make a living and feed their families.

Commissioner Gisclair stated now was the opportunity for the shrimpers to make their recommendations.

Mr. Ricky Griffin recommended opening Zone 2 on May 16 and if the shrimp are not big enough in the inshore waters, then close the beaches and passes.

Mr. Jimmy Toup, Galliano, asked why did the biologist wait to close the 3 mile limit season so late? He recommended opening the three zones at the same time. Commissioner Mialjevich stated the recommendation for closure of the 3 mile limit came from the biologists. By speaking out at the meeting, Commissioner Mialjevich stated to Mr. Toup that he helped the biologists.

Mr. Bruce Guerra suggested opening all three zones together on May 23. He then stated there was too much competition for just one area to open alone. Commissioner Cormier asked Mr. Guerra what zone was he from. He answered he was from Zone 1.

Mr. Pete Gerica, Lake Pontchartrain Fisherman's Association, stated, based on the data, his organization voted to open Zone 1 on May 30.

Mr. Bill Dekemel, East Bank Commercial Fisherman's Association, stated his organization recommended to open Zone 1 on May 30 at 6:00 a.m. based on the data presented. He then explained how he has seen the shrimp stay in the Zone 1 area and grow to 21-25 size. Chairman Schneider asked if he had a recommendation for Zone 2? Mr. Dekemel felt the shrimpers from Zone 2 should make the recommendation.

Commissioner Cormier and Chairman Schneider asked if anyone was from Zone 3? Hearing no more public comments, Chairman Schneider announced a ten minute break. Commissioner Mialjevich stated on May 19, there would be a meeting in Senator Breaux's Office in Washington, DC to talk about TED's in inshore waters.

Returning from their break, Chairman Schneider asked the pleasure of the Commission. Commissioner Mialjevich, according to the biological data and the 50 percent criteria, made a motion to open Zone 2 on May 16 at 6:00 a.m. and to open Zones 1 and 3 on May 30 at 6:00 a.m. Commissioner Gisclair seconded the motion. Commissioner Mialjevich asked if the territorial waters was to be included in the motion? Continuing, Commissioner Mialjevich further moved to open the Atchafalaya River Channel to Freshwater Bayou at 6:00 a.m. on May 16 and this was also seconded by Commissioner Gisclair. Chairman Schneider then read the Therefore Be It Resolved portion of the Resolution. The motion passed with no opposition. Mr. Perret thanked the Commission on behalf of the staff.

Chairman Schneider recognized Mr. Jim Farrelly and Mr. Charlie Lyle.

Commissioner Mialjevich asked for **Consideration of Ban on Night Shrimping in Vermilion Bay** be discussed. He was contacted by fishermen from Delcambre and the season in this area was primarily two white shrimp seasons. The system to ban night shrimping would consist of Vermilion Bay, East and West Cote Blanche and the

Atchafalaya River that is west of the Atchafalaya Channel. This ban would not affect butterfly nets in Southwest Pass. A benefit would be conservation, which would preserve the finfish. This ban would only be for the May season. Chairman Schneider asked for a staff member to speak on this topic. Mr. Brandt Savoie stated the staff has discussed the issue and it was a local issue. From a biological standpoint, there was no evidence to be for or against the ban, stated Mr. Savoie. The staff felt the best procedure would be to go through the legislative process and make it a law instead of using emergency procedures. Chairman Schneider asked if this would be an experiment season and if this could be done on an emergency measure? Mr. Don Puckett stated this could be included in the Declaration of Emergency for the shrimp season. Chairman Schneider asked if the Commission voted on the issue, could it be part of the shrimp Declaration of Emergency? Mr. Puckett advised yes. Chairman Schneider then opened the discussion for public comment.

Mr. Richard Cheramie, a shrimper, felt the ban would be a good idea and it would give the shrimp time to settle and the shrimpers may have a better catch. Chairman Schneider asked what would be the legal time to shut down the shrimping, sun down?

Mr. Charlie St. Amant felt the night time fishing in Vermilion Bay should be closed.

Commissioner Jones asked what would be the enforcement charge if this ban would be approved by the Commission and would it be the same charge as fishing during a closed season? Mr. Puckett advised it would be a Class 2 violation because it was a violation of Commission Rules and Regulations. Commissioner Jones then asked, if violators were caught, would they be responsible for Civil Restitution? Commissioner Mialjevich stated the penalty for violating this ban should be emphasized.

Mr. Calvin Cheramie asked if it was legal to have a ban just in Vermilion Bay? Chairman Schneider stated Mr. Puckett advised this was legal. Commissioner Mialjevich asked Mr. Cheramie if he thought it was good to trawl white shrimp both day and night? Mr. Cheramie stated no, there should be no trawling for white shrimp at night anywhere.

Mr. Bill Dekemel felt Commissioner Jones had a good point in asking if this ban could be enforced and noted it would take a lot of effort to enforce. In Zone 1, Lake Borgne area, you can not catch fish at night and no one could survive the white shrimp season without dragging at night. He then noted he was 100 percent opposed to the concept of night trawling. Commissioner Mialjevich stated, with the area being discussed and the fact white shrimp and brown shrimp are different, this area needed to be managed separate from other areas. Chairman Schneider asked Col. Vidrine if he had any comment on enforcement.



Mr. Brandt Savoie presented Commissioner Mialjevich with language to describe the area and the boundaries. Commissioner Mialjevich made a motion to amend the opening of the shrimp seasons to include the request to ban night trawling in Vermilion Bay. Mr. Puckett advised the words "official sunset to official sunrise" needed to be included. Commissioner Gisclair seconded the motion. The motion passed unanimously.

An unidentified speaker requested this situation be looked at very closely to see what the outcome was.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

#### RESOLUTION

**WHEREAS,** the traditional management criteria used by the Louisiana Department of Wildlife and Fisheries in recommending the opening dates for the spring inshore shrimp season are based on the population of shrimp in each zone reaching such a size that 50% or more of the shrimp are 100 count per pound or larger, and

**WHEREAS,** the Commission has reviewed the biological and hydrological data presented by the Marine Fisheries Division and has reviewed public input.

**THEREFORE BE IT RESOLVED,** that the Commission hereby opens the spring inshore shrimp season in Zone 1 at 6:00 a.m. May 30, 1994, Zone 2 at 6:00 a.m. May 16, 1994 and in Zone 3 at 6:00 a.m. May 30, 1994.

**BE IT FURTHER RESOLVED,** that shrimping shall be prohibited between official sunset and official sunrise in inshore waters as described in R.S. 56:495 from the western side of the Atchafalaya River channel to the western shore of Vermilion Bay excluding Southwest Pass south of a line drawn from the following points: 92°00.43' longitude by 29°36.69' latitude and 92°00.30' longitude by 29°36.29' latitude.

**BE IT FURTHER RESOLVED,** that the Commission hereby opens that portion of the State's Territorial Waters from the eastern side of the Atchafalaya River Ship Channel to the western shore of Freshwater Bayou, at 6:00 a.m. May 16, 1994.

**BE IT FURTHER RESOLVED,** that the Commission hereby grants to the Secretary of the Department of Wildlife and Fisheries, the authority to close any portion of Louisiana's inshore waters to protect small white shrimp.

John F. "Jeff" Schneider  
Chairman, Louisiana Wildlife &  
Fisheries Commission

Joe L. Herring  
Secretary, Louisiana Department  
of Wildlife & Fisheries

#### DECLARATION OF EMERGENCY

##### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters and shall have the authority to open or close open waters; and R.S. 56:6(25)(a) which allows the Wildlife and Fisheries Commission to promulgate rules and regulations to set seasons, times, places, etc. for all wildlife and fish, the Wildlife and Fisheries Commission does hereby set the 1994 Spring Inshore Shrimp Season to open as follows:

Zone 1, that portion of Louisiana's inshore waters from the Mississippi State Line to the eastern shore of South pass of the Mississippi River, to open at 6:00 a.m. May 30, 1994, and

Zone 2, that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, to open at 6:00 a.m. May 16, 1994, and

Shrimping is prohibited between official sunset and official sunrise in inshore waters as described in R.S. 56:495 from the western side of the Atchafalaya River channel to the western shore of Vermilion Bay excluding Southwest Pass south of a line drawn from the following points: 92°00.43' longitude by 29°36.69' latitude and 92°00.30' longitude by 29°36.29' latitude.

Zone 3, that portion of Louisiana's inshore waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island westward to the Texas State Line, to open at 6:00 a.m. May 30, 1994, and

Sets the opening of that portion of Louisiana's territorial waters from the eastern side of the Atchafalaya River Ship Channel westward to the western shore of Freshwater Bayou, at 6:00 a.m. May 16, 1994.

The Commission also hereby grants to the Secretary of the Department of Wildlife and Fisheries the authority to close any zone or portion of the State's waters to protect small white shrimp

if biological and technical data indicate the need to do so, or enforcement problems develop.

John F. "Jeff" Schneider  
Chairman

Mr. Bennie Fontenot presented a **Proposed Resolution on Lead Sinker Ban Submitted by EPA**. The resolution asked for the EPA to put their rule on lead sinkers in abeyance until more studies could be accomplished by all states and the U.S. Fish and Wildlife Service. This proposed rule was based on the findings of less than 100 birds throughout the United States, mainly from the northeast. One problem was not knowing how many birds are ingesting lead sinkers. The Department felt the data was inadequate to impose such a rule on the fishermen and also the EPA has no substitute for the lead. Mr. Fontenot then advised he attended the Southeastern Association of Fish and Wildlife Agencies Annual Meeting and the Directors there voted unanimously to adopt a resolution similar to the one the Department was proposing. Chairman Schneider asked for public comments.

Mr. Woody Crews asked if the use of lead would not be practical in Lake Pontchartrain and Gulf of Mexico and could the lead sinkers be used on the bottom of trawl lines. He then felt the EPA proposed rule should be put in abeyance now and agreed with Mr. Fontenot in opposing the EPA proposed rule.

Mr. Bill Dekemel asked how far reaching was the EPA proposed rule, does it specifically state lead sinkers? Mr. Fontenot stated this proposed rule pertains to lead sinkers 1" in diameter throughout the entire United States and Gulf waters. Mr. Dekemel noted he saw there was a serious problem with the proposed rule and felt the repercussions could be far more serious from a commercial fishing standpoint.

Chairman Schneider asked Mr. Fontenot to read the Therefore Be It Resolved portion of the Resolution. At the Southeastern Meeting, the Directors voted to remove the Be It Further Resolved portion of the Resolution and Mr. Fontenot requested the Commission do the same. Secretary Herring stated the Be It Further Resolved portion would weaken the resolution and the Commission should take a positive, strong stand on the issue. Chairman Schneider asked the pleasure of the Commission. Commissioner Cormier made a motion to accept the Resolution and it was seconded by Commissioner Vujnovich. The motion passed with no opposition.

(The full text of the Resolution is  
made a part of the record.)

#### RESOLUTION

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The Louisiana Wildlife and Fisheries Commission after reviewing the Environmental Protection Agency's proposed rule to ban the production and distribution of lead fishing sinkers (40 CFR Part 745) hereby adopts the following resolution.

**WHEREAS,** the documentation presented in the March 9, 1994 Federal Register (Volume 59, No. 46, pages 11123-11143) with the proposed rule makes reference to less than 100 dead birds (common loons, trumpeter swans, mute swans and one sandhill crane), nationwide, as probable mortalities from ingestion of lead sinkers; and

**WHEREAS,** this appears to be an extremely small number of cases to make the radical changes proposed; and

**WHEREAS,** virtually no data are presented showing ingestion of lead sinkers in other species, such as diving ducks, cranes and herons, geese, raptors and scavengers; and

**WHEREAS,** a paucity of data exists concerning the incidences of birds that actually ingest lead sinkers, and indeed if there really is a problem with a significant number of birds ingesting lead sinkers; and

**WHEREAS,** use of lead sinkers in offshore marine waters poses no problem to waterbirds; and

**WHEREAS,** we are not in complete agreement with the philosophy that it is unnecessary to demonstrate population effects before taking regulatory action; and

**WHEREAS,** there appear to be many areas in the country where ingestion of lead sinkers has not been documented to be a problem.

**THEREFORE BE IT RESOLVED,** that the Louisiana Wildlife and Fisheries Commission requests:

1. that the proposed rule be put in abeyance until more data can be collected through a cooperative study between States and Fish and Wildlife Service; and
2. more time be given to States to review reports and publications dealing with bird ingestion of fish lead sinkers; and
3. that the EPA honor the original request of petitioners to label lead fishing sinkers as potentially toxic to wildlife.

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John F. "Jeff" Schneider  
Chairman, Louisiana Wildlife &  
Fisheries Commission

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Joe L. Herring  
Secretary, Louisiana Department  
of Wildlife & Fisheries

The **March Aircraft Report** was presented by Mr. Lee Caubarreaux. This report showed four pilots flew a total of 77.4 hours for the month, along with the breakdown for the different planes, the estimated cost, the actual cost and the Commission's method. He explained about the repairs on the Amphib that would be paid by Risk Management. Commissioner Jones asked if time was logged when a trip has to be aborted? Mr. Gene Rackle stated the flight time not being recorded was inadvertently left off.

Public Comments on **1994-95 Hunting Seasons Resident Game** was the next item for discussion. Mr. Russell Lantilet, representing the Bayou State Bowhunters Association, presented a copy of a document explaining their request for an extension of the archery season. The document noted the differences in seasons between Alabama, Arkansas, Georgia, Louisiana and Mississippi. The Association would respect any decision made by the Commission on the issue and requested the members to review the document.

Commissioner Jones began the **Shell Dredging Lease Bid Package, Central Coast** item stating the Commission needed to approve the bid package even though it did not have final numbers on it. Mr. Puckett stated the Commission had the entire packet with them and the staff was requesting the Commission give its approval without their being any reference to per cubic yard royalty or Guaranteed Annual Minimum Royalty. The package would then be sent to the Mineral Board for their approval. Hopefully, in June, the Commission would arrive at a per cubic yard royalty and Guaranteed Annual Minimum Royalty. Chairman Schneider asked if the forms were basically the same as what was presented three years ago? Commissioner Hanchey made a motion to accept the package as discussed. This motion was seconded by Commissioner Jones and passed with no opposition. Commissioner Jones asked if the resolution should be read into the record? Mr. Puckett read the resolution.

(The full text of the Resolution is  
made a part of the record.)

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

METAIRIE, LOUISIANA

MAY 5, 1994

RESOLUTION

**WHEREAS,** the recommendation of the Minerals Committee, Counsel and staff having been considered.

**THEREFORE BE IT RESOLVED,** that this Commission does hereby adopt the recommendations of the Mineral Committee with regard to the lease form and bid package and specifically adopts the tracts which are described in the lease document and indicated by Department plats.

**BE IT FURTHER RESOLVED,** that this Commission does hereby instruct the Secretary and staff to carry out all necessary acts for the approval of the lease form including, but not limited to, submission of the lease form to the Mineral Board.

**BE IT FURTHER RESOLVED,** that the Commission does hereby authorize the Chairman to make such changes to the lease form and bid package as may be requested by the Mineral Board, or recommended by staff.

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John F. "Jeff" Schneider  
Chairman, Louisiana Wildlife &  
Fisheries Commission

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Joe L. Herring  
Secretary, Louisiana Department  
of Wildlife & Fisheries

The **Pearl River Navigation Project Resolution** was presented by Mr. Blue Watson. He reminded everyone that the project was to dredge the Pearl River by the Corps of Engineers and to reopen the navigation channel from the mouth of Pearl River to the city of Bogalusa. The resolution listed areas of concern that the Department and Commission has with the Environmental Impact Statement, U.S. Fish and Wildlife Coordination Act Report and Section 7 Endangered Species Report on this project. Mr. Watson then explained the three alternatives that were available for the project. Problems the Department has with the project were all the mitigation was terrestrial and all the damage was aquatic, and proposed placement of spoil disposal on the Pearl River Wildlife Management Area. Damages that may occur from the project are all environmentally and biologically related. The Department recommended the Commission oppose the project because it would cause damage to the resources. The Therefore Be It Resolved portion of the Resolution was read by Mr. Watson. Chairman Schneider requested adding to the Resolution that Secretary Herring, on behalf of the Department, send a letter to the Corps of Engineers indicating the same. Commissioner Cormier made a motion to adopt the Resolution and was seconded by Commissioner Jones. The motion passed with no opposition.

(The full text of the Resolution is  
made a part of the record.)

RESOLUTION OF THE

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

At their regular monthly meeting held at the Landmark Hotel in Metairie, Louisiana on the 5th of May, 1994, the Louisiana Wildlife and Fisheries Commission passed the following resolution:

- WHEREAS, personnel of the Louisiana Wildlife and Fisheries Commission have reviewed the West Pearl River Navigation Project Final Environmental Impact Statement (FEIS); and
- WHEREAS, three alternative actions were proposed; and
- WHEREAS, ALTERNATIVE 1 (No Action) requires no comment, and is our preferred alternative, and;
- WHEREAS, ALTERNATIVE 2 is the Corps recommended alternative, and;
- WHEREAS, it is stated in the FEIS that, "If the lower portion of the river is mined for sand and gravel, sufficient restrictions would be placed on the mining operations to protect the natural and scenic qualities of the stream.", and;
- WHEREAS, it is unclear by whom the restrictions will be imposed, and;
- WHEREAS, the West Pearl is a Scenic River, and the Department of Wildlife and Fisheries cannot permit the mining unless it is done by the Corps for the purpose of navigation or flood control, and;
- WHEREAS, there are no restrictions that can 'hide' a dredge, barges or stockpiles of material, all of which impact the natural and scenic qualities of a stream, and only the absence of dredges will provide some measure of protection of wilderness quality and scenic values, and;
- WHEREAS, the Department of Wildlife and Fisheries regulates the removal of fill material from state owned water bottoms for the purposes of severance royalty collection, not environmental protection, and;
- WHEREAS, the FEIS states that hydraulic dredging will be done in a manner to minimize adverse environmental impacts, and;
- WHEREAS, hydraulic dredges totally disrupts the bottom being dredged. There are no 'degrees' of damage as a result of dredging. It is either damaged or it is not. We assume that the minimization of damages referred to is related to the assertion that the entire river will not be dredged, and;

**WHEREAS,** placement of dredge material on the Pearl River Wildlife Management Area is no longer a disposal option. The Department did discuss the possibility of spoil disposal on the management area, and our personnel did indicate certain sites where such disposal might prove to be beneficial, but no formal agreement was executed between the Corps and the Department for such disposal of spoil, and;

**WHEREAS,** we are also concerned that the disposal of spoil over the Bogue Chitto sill at the Navigation Channel could contribute to additional silting of the main stem of the West Pearl River at Wilson Slough (also a Scenic River). We acknowledge that the FEIS states that the heavier materials are expected to deposit in the channel within the first mile of the Bogue Chitto below the sill, but we question how the deposits will react to subsequent high flows when dredging is not taking place, are convinced that they will not remain in place forever, but will they be translated further downstream at each subsequent high water. Additionally, we are not convinced that the sediment from each maintenance dredging event will deposit in the same location each time, and;

**WHEREAS,** in the discussion of the mitigation measures, which are all terrestrial, there is a statement that, "Land acquisition will be from willing sellers." The word "will" indicates that this is an absolute requirement, and infers that if willing sellers are not found, mitigation will not be accomplished, and;

**WHEREAS,** the reservations that we have about Alternative 2 also apply to Alternative 3, and;

**WHEREAS,** in response to the U.S. Fish and Wildlife Service's Fish and Wildlife Coordination Act Report and Section 7 Biological Opinion, (included as Appendix F in the FEIS) the Department of Wildlife and Fisheries is not in total agreement with that agency on the acceptability of impacts to rare, threatened or endangered species in the West Pearl River, and;

**WHEREAS,** fish and wildlife resources of the Pearl River will be adversely impacted by the project, and;

**WHEREAS,** there will be absolutely no positive impacts on the biological community of the West Pearl River if this project is conducted, and from a biological and ecological perspective this project can do nothing but harm, and;



**WHEREAS,** all of the negative, environmental impacts of this project will be imposed upon the resources for which the Louisiana Wildlife and Fisheries Commission has responsibility, and all of the presumed, positive impacts will accrue to areas outside of our purview,

**THEREFORE BE IT RESOLVED,** that the Louisiana Wildlife and Fisheries Commission voices objection to, and opposes the implementation of the West Pearl River Navigation Project and subsequent maintenance of the new navigation channel.

**BE IT FURTHER RESOLVED,** that this resolution be forwarded to the U.S. Army Corps of Engineers, Vicksburg District, and;

**BE IT FURTHER RESOLVED,** that the Commission requests, that in addition to this resolution, the Secretary of the Department of Wildlife and Fisheries provide a letter to the U.S. Army Corps of Engineers, Vicksburg District for signatures of the Chairman of the Commission and the Secretary of the Department opposing the proposed West Pearl River Navigation Project.

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John F. "Jeff" Schneider  
Chairman, Louisiana Wildlife &  
Fisheries Commission

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Joe L. Herring  
Secretary, Louisiana Department  
of Wildlife & Fisheries

**Consideration of Deer Archery Season Dates** began with Mr. Tommy Prickett stating numerous requests have been received to extend the archery season. The current regulations have the archery season to run from October 1 through January 22. The request was to extend the season through January 31. Mr. Prickett then explained the archery seasons from the neighboring states. The staff was recommending staying with the current proposal of October 1 through January 22 statewide. However, if a change was made, the staff recommended zoning the state. Area 2 and 3 would be one zone with season dates of October 1 through January 16. Then the eastern part of the state, the dates could be October 16 through January 31. Chairman Schneider stated Commissioner Jones was to call a Hunting Regulations Committee meeting before final ratification of these dates. This issue could be discussed at that meeting and a report given to the Commission.

Mr. Prickett recommended another change to reduce the either sex days in the northern portion of Evangeline Parish. The district biologist and supervisor have evaluated the area and found a deer herd below capacity and agreed with the recommendation as long as it could be enforced. The recommendation was to reduce the antlerless harvest days to two days, October 30 and 31, north of Highway 106 on Crowell Lumber Company land in Evangeline Parish. Chairman Schneider requested the Hunting Regulations Committee look at the request and report back.

**Changes in Proposed 1995 Turkey Hunting Season Dates on Certain WMAs** was discussed by Mr. Hugh Bateman. Reconsideration of dates was for District 7, the Florida parish Wildlife Management Areas. The recommendation was to set the 1995 turkey seasons for Bens Creek, Sandy Hollow, Tunica Hills and Pearl River to open March 18 and close April 9. Also, research would be initiated on the early season dates versus the late season dates to determine how it would impact the turkey population.

Hearing no further discussion on the above issue, Chairman Schneider went to the next item, **Report on the Fisherman's Sales Card and Dealer Receipt Card**. Mr. Fred Prejean provided an information packet to the Commissioners on events that explained what has occurred with these cards. The legislation passed in 1990 does not mention the Commercial Fisherman's Sales Card and Receipt Card. The Department has been collecting approximately \$225,000 annually from the gear license sales. These monies were dedicated and split between enforcement and the administration and sale of the gear license. The Sales Card Program needs between \$425,000 and \$475,000 to operate. Chairman Schneider asked if this figure was an annual figure? Commissioner Gisclair asked how many years has the Department been collecting these monies? Commissioner Mialjevich stated the gill netters wanted their license fee increased so they could have a paper trail and could get rid of the outlaws. He then asked what could be done to rectify the situation in order to help the commercial fishermen and stop the outlaws? And, he asked what was being enforced if the money was to be used to enforce the sales card? Commissioner Mialjevich then requested a total breakdown on how the revenues collected were spent. Mr. Prejean advised records were not kept that would show how the monies were spent. Commissioner Mialjevich then told Mr. Prejean the redfish people would probably present a legislative bill to reduce their licenses to the original fee. Mr. Prejean noted the Department was in support of the program and suggested adding words to the legislative act that specifically addresses the Sales Card Program. Commissioner Mialjevich asked Chairman Schneider what could the Commission do? Chairman Schneider felt clearing up the legislation was the route to take. Commissioner Mialjevich asked Chairman Schneider if he would meet with him, Mr. Clyde Kimball and appropriate legislators to clean up the act.

Commissioner Gisclair asked Mr. Prejean about the Texaco settlement and list of Capitol Outlay projects? Mr. Prejean stated he did not have the information for this meeting but informed the Commissioners, Secretary Herring decided the Texaco monies would be used to purchase radios.

An unidentified speaker from Roy Shrimp Company in Leeville asked what happened to the money that was paid for the stamping machines bought by the different businesses. Mr. Prejean stated the report showed monies used to buy those machines. Ms. Wynnette Kees thought all the money was reimbursed to the businesses.

**Civil Restitution and Class 1 Update** for the month of April was provided by Ms. Wynnette Kees. Fourteen cases were assessed with a value of \$44,732. During the month, payments have been received on 27 cases which totaled \$11,939. Ms. Kees then explained about the progress with the program during the past month. Commissioner Mialjevich asked if the Department was going after everyone that owed for Civil Restitution and were there records of everything stored and where it was located.

The **Monthly Law Enforcement Report for April** was given by Col. Winton Vidrine. The following numbers of citations were issued during the month of April.

Region I - Minden - 63 citations.

Region II - Monroe - 64 citations.

Region III - Alexandria - 171 citations.

Region IV - Ferriday - 113 citations.

Region V - Lake Charles - 200 citations.

Region VI - Opelousas - 226 citations.

Region VII - Baton Rouge - 200 citations.

Region VIII - New Orleans - 222 citations.

Region IX - Thibodaux - 291 citations. Commissioner Mialjevich asked if the confiscated shrimp were from inshore or outside waters and what was the fine for this violation? Commissioner Jones asked if the rule three strikes and you are out would be implemented by the Department?

Oyster Strike Force - 60 citations.

Statewide Strike Force - 141 citations.

Offshore Boats (SWEP) - 32 citations.

The grand total of citations issued statewide for the month of April was 1,580.

Col. Vidrine informed the Commissioners on the outcome of a turkey case in Winn Parish. Commissioner Jones commented the judge did bring down the proper penalty and fine on this case. Commissioner Mialjevich asked about Operation Gold Key? Major Tommy Candies reported there was a 100 percent conviction on cases that went to court. There are two cases still pending on drug charges. Penalties for the fish fines ranged from \$2,500 down to \$350. Commissioner Jones asked does the Department have the

authority not to issue licenses to these convicted violators? Commissioner Mialjevich stated he asked about Operation Gold Key because he wanted to send a message to recreational and commercial fishermen not to break the law.

Major Tommy Candies and Sergeant Jukes presented a slide presentation on activities of the Oyster Strike Force.

The **Secretary's Report** to the Commission was given by Secretary Herring. The Natural Heritage Section published a new book, "The Atlas of the Flora of Louisiana".

The Marine Fisheries Division has completed the third in a series coastal map which covers the Lake Pontchartrain - Lake Borgne area and marshes south. It should be available for sale by June 1.

The Recreational Fishing and Development Board still has three vacant seats and efforts are continuing to look for nominees. The Board was hoping to have a meeting in May.

Six Chevron rigs and one barge were permitted to be placed as artificial reefs.

A special shrimp season was held in Calcasieu Lake to allow the harvest of the overwintering white shrimp. The season ran from April 23 through April 28 and was only a fair season.

The Marine Lab had several activities continuing through the month. Personnel from Enforcement and other divisions used the lab as a base of operation. Civic clubs, scout groups, the Corps of Engineers, U.S. Fish and Wildlife Service, and professors from several universities also visited the Marine Lab.

Department personnel participated in an oil spill drill and workshop.

The Aquatic Plant Research and Control Section of the Inland Fisheries Division sprayed 1,259 acres of water hyacinths and also repaired and cleaned 25 boat ramps throughout the state.

The striped bass and hybrid bass program was very successful. A total of 11,096,000 fry were produced. Of this total, 3,435,000 were hybrids and 7,661,000 were striped bass. These fry were stocked into lakes, streams and tributaries throughout the State as well as being stocked in Rockefeller Refuge.

The Department participated in Bring Your Daughter to Work Day. There were different activities staff presented to the girls. One of the biggest highlights was viewing the Plankton Lab.

Information and Education Division produced 23 News Releases and seven News Features. Plans for a Legislative Press Briefing were continuing and would be held May 10 in the Baton Rouge office at 7:00 p.m. There was only one Department bill accepted for this legislative session that dealt with a severance tax on mussels. Commissioner Jones asked why were the other proposed bills turned down? Secretary Herring stated the bills did not comply with the law for the 30 day fiscal session.

Project WILD held three workshops with 77 participants; Hunter Education held seven classes with 344 students; Volunteer Hunter Ed Instructor had four classes with 25 participants; two Bow Hunter Education Classes with 40 students; one Skeet Shooting Class with 150 students; and ten classes on Aquatic Education with 527 students were held.

The Wildlife Division had received many phone calls on the black bear critical habitat issue. Landowners, sportsmen and hunting clubs that lease land have called to find out what was going on. The Black Bear Conservation Committee has held three meetings to explain the critical habitat area.

The Department asked for the brown pelican to be delisted from Endangered Species and possibly even the threatened list. Also, there are several species the Department has been successful in bringing back from endangered, such as the alligator, the bald eagle, the striped bass, the bear and the brown pelican. But the Endangered Species Act does not want to recognize what the Department has done over the years with these animals. Secretary Herring wanted the Commission to be aware of the fact the Department would be financing the work on the black bear.

The Governor's Shrimp Task Force held eight public meetings on shrimp sanctuaries along the coast. There was good participation in these meetings and more information was received than from any other time in history. A summary of the information was provided to the Commissioners for them to look over before the next Commission Meeting.


Commissioner Vujnovich made a motion the **September 1994 Meeting Date** be scheduled for Thursday, September 1, 1994 in the Baton Rouge office, beginning at 10:00 a.m. This motion was seconded by Commissioner Jones and passed with no opposition.

Chairman Schneider presented a plaque to Commissioner Jones for serving as Chairman of the Commission.

Chairman Schneider asked for **Public Comments**. Commissioner Mialjevich asked that catfish discussion and possibility of a Notice of Intent in Des Allemands area be placed on the June Commission agenda. Chairman Schneider asked if this was related to size again?

Mr. Woody Crews complained about the hydrilla plant that was taking over the marshes of south Louisiana. He felt this plant was going to change the face of the maps and charts of Louisiana unless a solution was found. Chairman Schneider noted the Commission was aware of the problem. Mr. Bennie Fontenot stated the staff was very aware of the problem and the plant was very unfeasible to treat with chemical. The Triploid Grass Carp has been found to eat hydrilla but would only work in a closed system.

There being no further business, Commissioner Mialjevich made a motion to **Adjourn** and was seconded by Commissioner Hanchey.



Joe I. Herring  
Secretary

JLH:sch

New  
Original  
Resolution

RESOLUTION

the Louisiana Wildlife and Fisheries Commission after reviewing the Environmental Protection Agency's proposed rule to ban the production and distribution of lead fishing sinkers (40 CFR Part 745) hereby adopts the following resolution.

**WHEREAS,** the documentation presented in the March 9, 1994 Federal Register (Volume 59, No. 46, pages 11123-11143) with the proposed rule makes reference to less than 100 dead birds (common loons, trumpeter swans, mute swans and one sandhill crane), nationwide, as probable mortalities from ingestion of lead sinkers; and

**WHEREAS,** this appears to be an extremely small number of cases to make the radical changes proposed; and

**WHEREAS,** virtually no data are presented showing ingestion of lead sinkers in other species, such as diving ducks, cranes and herons, geese, raptors and scavengers; and

**WHEREAS,** a paucity of data exists concerning the incidences of birds that actually ingest lead sinkers, and indeed if there really is a problem with a significant number of birds ingesting lead sinkers; and

**WHEREAS,** use of lead sinkers in offshore marine waters poses no problem to waterbirds; and


**WHEREAS,** we are not in complete agreement with the philosophy that it is unnecessary to demonstrate population effects before taking regulatory action; and

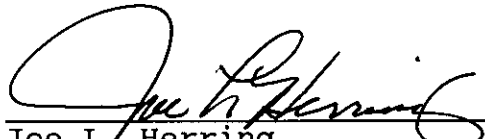
**WHEREAS,** there appear to be many areas in the country where ingestion of lead sinkers has not been documented to be a problem.

**THEREFORE BE IT RESOLVED,** that the Louisiana Wildlife and Fisheries Commission requests:

1. that the proposed rule be put in abeyance until more data can be collected through a cooperative study between States and Fish and Wildlife Service; and
2. more time be given to States to review reports and publications dealing with bird ingestion of fish lead sinkers; and

3. that the EPA honor the original request of petitioners to label lead fishing sinkers as potentially toxic to wildlife.

  
\_\_\_\_\_  
John F. "Jeff" Schneider  
Chairman, Louisiana Wildlife &  
Fisheries Commission

  
\_\_\_\_\_  
Joe L. Herring  
Secretary, Louisiana Department  
of Wildlife & Fisheries

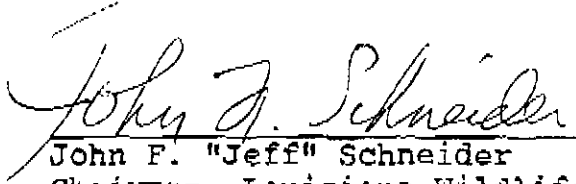


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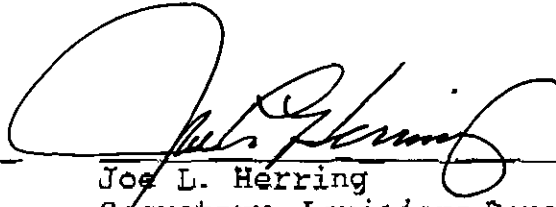
--- JEFF SCHNEIDER

003/003

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John F. "Jeff" Schneider  
Chairman, Louisiana Wildlife &  
Fisheries Commission



Joe L. Herring  
Secretary, Louisiana Department  
of Wildlife & Fisheries

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**Whereas,**

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**Whereas,**

We are not in complete agreement with the philosophy that it is unnecessary to demonstrate population effects before taking regulatory action; and

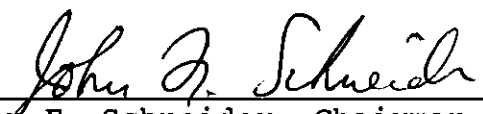
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There appear to be many areas in the country where ingestion of lead sinkers has not been documented to be a problem.

**Therefore be it resolved** that the Louisiana Wildlife and Fisheries Commission requests:

- 1) that the proposed rule be put in abeyance until more data can be collected through a cooperative study between States and Fish and Wildlife Service; and
- 2) more time be given to States to review reports and publications dealing with bird ingestion of fish lead sinkers; and
- 3) that the EPA honor the original request of petitioners to label lead fishing sinkers as potentially toxic to wildlife.

**Be it further resolved** that if a ban is deemed necessary sometime in the future, we request reconsideration of a geographic ban rather than a nation-wide ban.

  
\_\_\_\_\_  
John F. Schneider, Chairman

## RESOLUTION

**WHEREAS,** the traditional management criteria used by the Louisiana Department of Wildlife and Fisheries in recommending the opening dates for the spring inshore shrimp season are based on the population of shrimp in each zone reaching such a size that 50% or more of the shrimp are 100 count per pound or larger, and

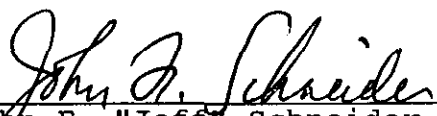
**WHEREAS,** the Commission has reviewed the biological and hydrological data presented by the Marine Fisheries Division and has reviewed public input.


**THEREFORE BE IT RESOLVED,** that the Commission hereby opens the spring inshore shrimp season in Zone 1 at 6:00 a.m. May 30, 1994, Zone 2 at 6:00 a.m. May 16, 1994 and in Zone 3 at 6:00 a.m. May 30, 1994.

**BE IT FURTHER RESOLVED,** that shrimping shall be prohibited between official sunset and official sunrise in inshore waters as described in R.S. 56:495 from the western side of the Atchafalaya River channel to the western shore of Vermilion Bay excluding Southwest Pass south of a line drawn from the following points: 92°00.43' longitude by 29°36.69' latitude and 92°00.30' longitude by 29°36.29' latitude.

**BE IT FURTHER RESOLVED,** that the Commission hereby opens that portion of the State's Territorial Waters from the eastern side of the Atchafalaya River Ship Channel to the western shore of Freshwater Bayou, at 6:00 a.m. May 16, 1994.

**BE IT FURTHER RESOLVED,** that the Commission hereby grants to the Secretary of the Department of Wildlife and Fisheries, the authority to close any portion of Louisiana's inshore waters to protect small white shrimp.

  
John F. "Jeff" Schneider  
Chairman, Louisiana Wildlife &  
Fisheries Commission

  
Joe L. Herring  
Secretary, Louisiana Department  
of Wildlife & Fisheries

MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, May 5, 1994

*Draft*  
*Corrections made*  
*5/19/94*

Chairman Jeff Schneider presiding.

Bert Jones  
Peter Vujnovich  
Jerald Hanchey  
Perry Gisclair  
Joseph B. Cormier  
Tee John Mialjevich

Secretary Joe L. Herring was also present.

Chairman Schneider called for a motion for approval of the **April 7, 1994, Commission Minutes**. A motion for approval was made by Commissioner Vujnovich and seconded by Commissioner Hanchey. The motion passed unanimously.

**Presentation of Data and Declaration of Emergency to Set 1994 Spring Inshore Shrimp Season** was presented by Mr. Corky Perret. He began by recognizing and acknowledging members of the staff attending the meeting, especially Mr. Brandt Savoie. The presentation included graphs of shrimp landings from 1980 - 1993; heads-off landings for shrimp during 1993 as compared to the 5 year average of 1987 - 1992; weight of shrimp landings for 1993 as compared to 1982 - 1991 averages; brown and white shrimp catch for years 1976 - 1993; and shrimp gear license sales from 1975 - 1993. A map showing the sampling stations on the coast along with a video ~~were~~ *was* shown at this point.

The discussion then turned to hydrology and biological data. Graphs shown included rainfall for southeast Louisiana; discharge from the Mississippi River; north and south Barataria Bay salinity levels; monthly and daily water temperature for south Barataria Bay; and April brown shrimp nursery areas for years 1967 - 1993. Information from the biological graphs included cumulative postlarval catch in Barataria Bay; brown shrimp caught in 6' trawls during April; mean size of brown shrimp caught in 6' trawls during April in Barataria Bay; brown shrimp caught and their size in 10 minute samples from seven different locations along the coast during week 18; and predicted tides for Barataria Bay for May 1994. A map showing the three zones was shown as well as charts showing projected dates when at least 50% of the shrimp would be marketable for all three zones. Mr. Perret advised, based on the 100 count criteria, there were several options the Department could suggest for opening the zones. The first option would be to open all zones on May 23. The second option would be to open Zone 2 on May 16 and

Zones 1 and 3 on May 30. Commissioner Mialjevich asked what was the recommendation for Zones 1 and 3? Then he restated the options presented by the Department and stated he would take an inventory of public comments received during the meeting. Mr. Perret reminded the Commission that an offshore area around Vermilion Bay was still closed and when the inside waters ~~would open~~, then it would be recommended the offshore waters open also. Commissioner Jones asked Mr. Perret for his recommendation from the options given. Chairman Schneider opened the discussion for public comments. *opened*

Mr. Calvin Cheramie asked what was the reason for opening Calcasieu Lake? Mr. Perret stated there were opportunities to catch larger white shrimp from the lake and these would not interfere with the brown shrimp. Mr. Cheramie then commented that people from Zone 2 ask for openings and never get what they want. Mr. Perret asked Mr. Cheramie what was he asking for? Mr. Cheramie then requested opening the season no later than May 16. *this*

Mr. Lionel Pauley, Destrehan, asked if you open Zone 2 on May 16, why not open Zones 1 and 3 on May 23?

*the* Mr. Gary Moote, Lafitte, stated he thought the shrimp in the video looked bigger than what was predicted for now. Speaking for inshore shrimpers in Lafitte-Barataria area, Mr. Moote asked for the season to open on May 16 for Zone 2. Chairman Schneider asked Mr. Moote if he had any recommendation for Zones 1 and 3? Mr. Moote stated he had no recommendation for those zones.

Mr. Richard Cheramie, Cut Off, recommended opening on May 16 in order to get back what was lost last year.

Mr. Ronald Collins, Quality Seafood in Leesville, recommended an opening date of May 16 for Zone 2. He also felt people from Zones 1 and 3 should make their own recommendation for an opening date.

Mayor Timothy Kerner, Town of Jean Lafitte, presented a petition from Zone 2 fishermen to open the season on May 16. He then explained what opening the season with a late date has done to the economy of their town. He then asked Commissioner Mialjevich and Commissioner Gisclair to make a motion for opening the season on May 16.

Mr. Verlyn Champagne, a recreational trawler, asked if the season for Zone 2 was opened on May 16, to leave it open for 50 days.

Mr. Bozo Griffin stated opening Zone 2 on May 16 was fine with him.

Mr. George Barasich, United Commercial Fisherman's Association, recommended opening the season statewide on May 23. He felt opening statewide gave everyone the chance to work in their own areas and there would not be any overfishing.

Mr. Danny Babin, a shrimp processor, stated he did not have a preferred date. He felt the Commission needed to make that decision based on biological data. Mr. Babin reminded the Commission that there were 30 to 40 fewer peeling machines this year because of gambling and the entire process needs to be looked at. Chairman Schneider asked how many machines were still in operation? Commissioner Cormier stated ~~by giving a preferred date~~ would help the Commission to determine if it would be better for the processors to have shrimpers from all over coming to them or have shrimpers from one area go to various processors.

Mr. Gene Adams, a shrimper from Zone 2, stated all boats would come to Zone 2 because they do it every year. The biological data showed the season could be opened on May 16.

Mr. Bill Chauvin, representing the American Shrimp Processors Association, asked Commissioner Mialjevich if he had a list of recommendations, you would tally the recommendations and vote on that tally and not pay attention to the biological data? He reiterated what had been stated about opening at one time, the processors would be inundated. If the season would be open too soon, there would be a negative economic impact on Louisiana stated Mr. Chauvin. Commissioner Mialjevich asked what was the difference? Then Commissioner Mialjevich asked if the larger shrimp peeled would be easier to get rid of and was not that the problem with prices? Commissioner Gisclair stated the shrimp was an animal that migrated with the moon, the current or the weather and it could not be guaranteed that the shrimpers could not get more money for their shrimp because they would move off into the Gulf of Mexico.

Mr. Charlie Kerner, Justice of the Peace of Lafitte, began by thanking the Commission for allowing him to speak. He stated the brown shrimp could not be taken in any month but May and June. The shrimp do not come into the inside waters to eat and grow, ~~they~~ but migrate back to the Gulf. He stated there should be more studies done on the migration of the shrimp from the Gulf ~~into~~ into inshore waters and back to the Gulf again. Mr. Kerner requested taking the earliest date to open the season in order for the shrimpers to make a living and feed their families.

Commissioner Gisclair stated now was the opportunity for the shrimpers to make their recommendations.

Mr. Ricky Griffin recommended opening Zone 2 on May 16 and if the shrimp are not big enough in the inshore waters, then close the beaches and passes.

Mr. Jimmy Toup, Galliano, asked why did the biologist wait to close the 3 mile limit season so late? He recommended opening the three zones at the same time. Commissioner Mialjevich stated the recommendation for closure of the 3 mile ~~came from the biologist~~ *Limit*. By speaking out at the meeting, Commissioner Mialjevich stated to Mr. Toup that he helped the biologist.

Mr. Bruce Guerra ~~as a fisherman for life~~ suggested opening all three zones together on May 23. He then stated there was too much competition for just one area to open alone. Commissioner Cormier asked Mr. Guerra what zone was he from. He answered he was from Zone 1.

Mr. Pete Gericca, Lake Pontchartrain Fisherman's Association, stated, based on the data, his organization voted to open Zone 1 on May 30.

Mr. Bill Dekemel, East Bank Commercial Fisherman's Association, stated his organization recommended to open Zone 1 on May 30 at 6:00 a.m. based on the data presented. He then explained how he has seen the shrimp stay in the Zone 1 area and grow to 21-25 size. Chairman Schneider asked if he had a recommendation for Zone 2? Mr. Dekemel felt the shrimpers from Zone 2 should make the recommendation.

Commissioner Cormier and Chairman Schneider asked if anyone was from Zone 3? Hearing no more public comments, Chairman Schneider announced a ten minute break. Commissioner Mialjevich stated on May 19, there would be a meeting in Senator Breaux's Office in Washington, DC to talk about TED's in inshore waters.

Returning from their break, Chairman Schneider asked the pleasure of the Commission. Commissioner Mialjevich, according to the biological data and the 50 percent criteria, made a motion to open Zone 2 on May 16 at 6:00 a.m. and to open Zones 1 and 3 on May 30 ~~and~~ at 6:00 a.m. Commissioner Gisclair seconded the motion. Commissioner Mialjevich asked if the territorial waters was to be included in the motion? Continuing, Commissioner Mialjevich further moved to open the Atchafalaya River Channel to Freshwater Bayou at 6:00 a.m. on May 16 and this was also seconded by Commissioner Gisclair. Chairman Schneider then read the Therefore Be It Resolved portion of the Resolution. The motion passed with no opposition. Mr. Perret thanked the Commission on behalf of the staff.

Chairman Schneider recognized Mr. Jim Farrelly and Mr. Charlie Lyle.

Commissioner Mialjevich asked for **Consideration of Ban on Night Shrimping in Vermilion Bay** be discussed. He was contacted by fishermen from Delcambre and the season in this area was primarily two white shrimp seasons. The system to ban night shrimping would



consist of Vermilion Bay, East and West Cote Blanche and the Atchafalaya River that is west of the Atchafalaya Channel. This ban would not affect butterfly nets in Southwest Pass. A benefit would be conservation, which would preserve the finfish. This ban would only be for the May season. Chairman Schneider asked for a staff member to speak on this topic. Mr. Brandt Savoie stated the staff has discussed the issue and it was a local issue. From a biological standpoint, there was no evidence to be for or against the ban, stated Mr. Savoie. The staff felt the best procedure would be to go through the legislative process and make it a law instead of using emergency procedures. Chairman Schneider asked if this would be an experiment season and if this could be done on an emergency measure? Mr. Don Puckett stated this could be included in the Declaration of Emergency for the shrimp season. Chairman Schneider asked if the Commission voted on the issue, could it be part of the shrimp Declaration of Emergency? Mr. Puckett advised yes. Chairman Schneider then opened the discussion for public comment.

Mr. Richard Cheramie, a shrimper, felt the ban would be a good idea and it would give the shrimp time to settle and the shrimpers may have a better catch. Chairman Schneider asked what would be the legal time to shut down the shrimping, sun down?

Mr. Charlie St. Amant felt the night time fishing in Vermilion Bay should be closed.

Commissioner Jones asked what would be the enforcement charge if this ban would be approved by the Commission and would it be the same charge as fishing during a closed season? Mr. Puckett advised it would be a Class 2 violation because it was a violation of Commission Rules and Regulations. Commissioner Jones then asked, if violators were caught, would they be responsible for Civil Restitution? Commissioner Mialjevich stated the penalty for violating this ban should be emphasized.

Mr. Calvin Cheramie asked if it was legal to have a ban just in Vermilion Bay? Chairman Schneider stated Mr. Puckett advised this was legal. Commissioner Mialjevich asked Mr. Cheramie if he thought it was good to trawl white shrimp both day and night? Mr. Cheramie stated no, there should be no trawling for white shrimp at night anywhere.

Mr. Bill Dekemel felt Commissioner Jones had a good point in asking if this ban could be enforced and noted it would take a lot of effort to enforce. In Zone 1 Lake Borgne area, you can not catch fish at night and no one could survive the white shrimp season without dragging at night. He then noted he was 100 percent opposed to the concept of night trawling. Commissioner Mialjevich stated, with the area being discussed and the fact white shrimp and brown shrimp are different, this area needed to be managed separate

from other areas. Chairman Schneider asked Col. Vidrine if he had any comment on enforcement.

Mr. Brandt Savoie presented Commissioner Mialjevich with language to describe the area and the boundaries. Commissioner Mialjevich made a motion to amend the opening of the shrimp seasons to include the request to ban night trawling in Vermilion Bay. Mr. Puckett advised the words "official sunset to official sunrise" needed to be included. Commissioner Gisclair seconded the motion. The motion passed unanimously.

An unidentified speaker requested this situation be looked at very closely to see what the outcome was.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

#### RESOLUTION

**WHEREAS,** the traditional management criteria used by the Louisiana Department of Wildlife and Fisheries in recommending the opening dates for the spring inshore shrimp season are based on the population of shrimp in each zone reaching such a size that 50% or more of the shrimp are 100 count per pound or larger, and

**WHEREAS,** the Commission has reviewed the biological and hydrological data presented by the Marine Fisheries Division and has reviewed public input.

**THEREFORE BE IT RESOLVED,** that the Commission hereby opens the spring inshore shrimp season in Zone 1 at 6:00 a.m. May 30, 1994, Zone 2 at 6:00 a.m. May 16, 1994 and in Zone 3 at 6:00 a.m. May 30, 1994.

**BE IT FURTHER RESOLVED,** that shrimping shall be prohibited between official sunset and official sunrise in inshore waters as described in R.S. 56:495 from the western side of the Atchafalaya River channel to the western shore of Vermilion Bay excluding Southwest Pass south of a line drawn from the following points: 92°00.43' longitude by 29°36.69' latitude and 92°00.30' longitude by 29°36.29' latitude.

**BE IT FURTHER RESOLVED,** that the Commission hereby opens that portion of the State's Territorial Waters from the eastern side of the Atchafalaya River Ship Channel to the western shore of Freshwater Bayou, at 6:00 a.m. May 16, 1994.

**BE IT FURTHER RESOLVED**, that the Commission hereby grants to the Secretary of the Department of Wildlife and Fisheries, the authority to close any portion of Louisiana's inshore waters to protect small white shrimp.

John F. "Jeff" Schneider  
Chairman, Louisiana Wildlife &  
Fisheries Commission

Joe L. Herring  
Secretary, Louisiana Department  
of Wildlife & Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters and shall have the authority to open or close open waters; and R.S. 56:6(25)(a) which allows the Wildlife and Fisheries Commission to promulgate rules and regulations to set seasons, times, places, etc. for all wildlife and fish, the Wildlife and Fisheries Commission does hereby set the 1994 Spring Inshore Shrimp Season to open as follows:

Zone 1, that portion of Louisiana's inshore waters from the Mississippi State Line to the eastern shore of South pass of the Mississippi River, to open at 6:00 a.m. May 30, 1994, and

Zone 2, that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, to open at 6:00 a.m. May 16, 1994, and

Shrimping is prohibited between official sunset and official sunrise in inshore waters as described in R.S. 56:495 from the western side of the Atchafalaya River channel to the western shore of Vermilion Bay excluding Southwest Pass south of a line drawn from the following points: 92°00.43' longitude by 29°36.69' latitude and 92°00.30' longitude by 29°36.29' latitude.

Zone 3, that portion of Louisiana's inshore waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island westward to the Texas State Line, to open at 6:00 a.m. May 30, 1994, and

Sets the opening of that portion of Louisiana's territorial waters from the eastern side of the Atchafalaya River Ship Channel westward to the western shore of Freshwater Bayou, at 6:00 a.m. May 16, 1994.

The Commission also hereby grants to the Secretary of the Department of Wildlife and Fisheries the authority to close any zone or portion of the State's waters to protect small white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop.

John F. "Jeff" Schneider  
Chairman

Mr. Bennie Fontenot presented a **Proposed Resolution on Lead Sinker Ban Submitted by EPA**. The resolution asked for the EPA to put their rule on lead sinkers in abeyance until more studies could be accomplished by all states and U.S. Fish and Wildlife Service. This proposed rule was based on the findings of less than 100 birds throughout the United States, mainly from the northeast. One problem was not knowing how many birds are ingesting lead sinkers. The Department felt the data was inadequate to impose such a rule on the fishermen and also the EPA has no substitute for the lead. Mr. Fontenot then advised he attended ~~a meeting of~~ the Southeastern Association of Fish and Wildlife Agencies Annual Meeting and the Directors there voted unanimously to adopt a resolution similar to the one the Department was proposing. Chairman Schneider asked for public comments. *the*

Mr. Woody Crews asked if the use of lead would not be practical in Lake Pontchartrain and Gulf of Mexico and could the ~~use of~~ lead sinkers be used on the bottom of trawl lines. He then felt the EPA proposed rule should be put in abeyance now and agreed with Mr. Fontenot in opposing the EPA proposed rule.

Mr. Bill Dekemel asked how far reaching was the EPA proposed rule, does it specifically state lead sinkers? Mr. Fontenot stated this proposed rule pertains to lead sinkers 1" in diameter throughout the entire United States and Gulf waters. Mr. Dekemel noted he saw there was a serious problem with the proposed rule and felt the repercussions could be far more serious from a commercial fishing standpoint.

Chairman Schneider asked Mr. Fontenot to read the Therefore Be It Resolved portion of the Resolution. At the Southeastern Meeting, the Directors voted to remove the Be It Further Resolved portion of the Resolution and Mr. Fontenot requested the Commission do the same. Secretary Herring stated the Be It Further Resolved portion would weaken the resolution and the Commission should take a positive, strong stand on the issue. Chairman Schneider asked the pleasure of the Commission. Commissioner Cormier made a motion to accept the Resolution and it was seconded by Commissioner Vujnovich. The motion passed with no opposition.

(The full text of the Resolution is made a part of the record.)

## RESOLUTION

The Louisiana Wildlife and Fisheries Commission after reviewing the Environmental Protection Agency's proposed rule to ban the production and distribution of lead fishing sinkers (40 CFR Part 745) hereby adopts the following resolution.

- WHEREAS,** the documentation presented in the March 9, 1994 Federal Register (Volume 59, No. 46, pages 11123-11143) with the proposed rule makes reference to less than 100 dead birds (common loons, trumpeter swans, mute swans and one sandhill crane), nationwide, as probable mortalities from ingestion of lead sinkers; and
- WHEREAS,** this appears to be an extremely small number of cases to make the radical changes proposed; and
- WHEREAS,** virtually no data are presented showing ingestion of lead sinkers in other species, such as diving ducks, cranes and herons, geese, raptors and scavengers; and
- WHEREAS,** a paucity of data exists concerning the incidences of birds that actually ingest lead sinkers, and indeed if there really is a problem with a significant number of birds ingesting lead sinkers; and
- WHEREAS,** use of lead sinkers in offshore marine waters poses no problem to waterbirds; and
- WHEREAS,** we are not in complete agreement with the philosophy that it is unnecessary to demonstrate population effects before taking regulatory action; and
- WHEREAS,** there appear to be many areas in the country where ingestion of lead sinkers has not been documented to be a problem.

**THEREFORE BE IT RESOLVED,** that the Louisiana Wildlife and Fisheries Commission requests:

1. that the proposed rule be put in abeyance until more data can be collected through a cooperative study between States and Fish and Wildlife Service; and
2. more time be given to States to review reports and publications dealing with bird ingestion of fish lead sinkers; and
3. that the EPA honor the original request of petitioners to label lead fishing sinkers as potentially toxic to wildlife.

John F. "Jeff" Schneider  
Chairman, Louisiana Wildlife &  
Fisheries Commission

Joe L. Herring  
Secretary, Louisiana Department  
of Wildlife & Fisheries

The **March Aircraft Report** was presented by Mr. Lee Caubarreaux. This report showed four pilots flew a total of 77.4 hours for the month, along with the breakdown for the different planes, the estimated cost, the actual cost and the Commission's method. He explained about the repairs on the Amphib that would be paid by Risk Management. Commissioner Jones asked if time was logged when a trip has to be aborted? Mr. Gene Rackle stated the flight time not being recorded was inadvertently left off.

Public Comments on **1994-95 Hunting Seasons Resident Game** was the next item for discussion. Mr. Russell Lantilet, representing the Bayou State Bowhunters Association, prepared a copy of a document explaining their request for an extension of the archery season. The document noted the differences in seasons between Alabama, Arkansas, Georgia, Louisiana and Mississippi. The Association would respect any decision made by the Commission on the issue and requested the members to review the document. *Presented*

Commissioner Jones began the **Shell Dredging Lease Bid Package, Central Coast** item stating the Commission needed to approve the bid package even though it did not have final numbers on it. Mr. Puckett stated the Commission had the entire packet with them and the staff was requesting the Commission give its approval without their being any reference to per cubic yard royalty or Guaranteed Annual Minimum Royalty. The package would then be sent to the Mineral Board for their approval. Hopefully, in June, the Commission would arrive at a per cubic yard royalty and Guaranteed Annual Minimum Royalty. Chairman Schneider asked if the forms were basically the same as what was presented three years ago? Commissioner Hanchey made a motion to accept the package as discussed. This motion was seconded by Commissioner Jones and passed with no opposition. Commissioner Jones asked if the resolution should be read into the record? Mr. Puckett read the resolution.

(The full text of the Resolution is  
made a part of the record.)

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

METAIRIE, LOUISIANA

MAY 5, 1994

RESOLUTION

WHEREAS, the recommendation of the Minerals Committee, Counsel and staff having been considered.

THEREFORE BE IT RESOLVED, that this Commission does hereby adopt the recommendations of the Mineral Committee with regard to the lease form and bid package and specifically adopts the tracts which are described in the lease document and indicated by Department plats.

BE IT FURTHER RESOLVED, that this Commission does hereby instruct the Secretary and staff to carry out all necessary acts for the approval of the lease form including, but not limited to, submission of the lease form to the Mineral Board.

BE IT FURTHER RESOLVED, that the Commission does hereby authorize the Chairman to make such changes to the lease form and bid package as may be requested by the Mineral Board, or recommended by staff.

John F. "Jeff" Schneider  
Chairman, Louisiana Wildlife &  
Fisheries Commission

Joe L. Herring  
Secretary, Louisiana Department  
of Wildlife & Fisheries

*proposed* The Pearl River Navigation Project Resolution was presented by Mr. Blue Watson. He reminded everyone that the project was to dredge the Pearl River by the Corps of Engineers and to reopen the navigation channel from the mouth of Pearl River to the city of Bogalusa. The resolution listed areas of concern that the Department and Commission has with the Environmental Impact Statement, U.S. Fish and Wildlife Coordination Act Report and Section 7 Endangered Species Report on this project. Mr. Watson then explained the three alternatives that were available for the project. Problems the Department has with the project ~~was~~ *were* all the mitigation was terrestrial and all the damage was aquatic, and placement of spoil disposal on the Pearl River Wildlife Management Area. Damages that may occur from the project are all environmentally and biologically related. The Department recommended the Commission oppose the project because it would cause damage to the resources. The Therefore Be It Resolved portion of the Resolution was read by Mr. Watson. Chairman Schneider requested adding to the Resolution ~~Secretary Herring~~ *that*, on behalf of the Department, send a letter to the Corps of Engineers indicating the same. Commissioner Cormier made a motion to adopt the Resolution and was seconded by Commissioner Jones. The motion passed with no opposition.

(The full text of the Resolution is made a part of the record.)

RESOLUTION OF THE

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

At their regular monthly meeting held at the Landmark Hotel in Metairie, Louisiana on the 5th of May, 1994, the Louisiana Wildlife and Fisheries Commission passed the following resolution:

- WHEREAS,** personnel of the Louisiana Wildlife and Fisheries Commission have reviewed the West Pearl River Navigation Project Final Environmental Impact Statement (FEIS); and
- WHEREAS,** three alternative actions were proposed; and
- WHEREAS,** ALTERNATIVE 1 (No Action) requires no comment, and is our preferred alternative, and;
- WHEREAS,** ALTERNATIVE 2 is the Corps recommended alternative, and;
- WHEREAS,** it is stated in the FEIS that, "If the lower portion of the river is mined for sand and gravel, sufficient restrictions would be placed on the mining operations to protect the natural and scenic qualities of the stream.", and;
- WHEREAS,** it is unclear by whom the restrictions will be imposed, and;
- WHEREAS,** the West Pearl is a Scenic River, and the Department of Wildlife and Fisheries cannot permit the mining unless it is done by the Corps for the purpose of navigation or flood control, and;
- WHEREAS,** there are no restrictions that can 'hide' a dredge, barges or stockpiles of material, all of which impact the natural and scenic qualities of a stream, and only the absence of dredges will provide some measure of protection of wilderness quality and scenic values, and;
- WHEREAS,** the Department of Wildlife and Fisheries regulates the removal of fill material from state owned water bottoms for the purposes of severance royalty collection, not environmental protection, and;
- WHEREAS,** the FEIS states that hydraulic dredging will be done in a manner to minimize adverse environmental impacts, and;
- WHEREAS,** hydraulic dredges totally disrupts the bottom being dredged. There are no 'degrees' of damage as a result of dredging. It is either damaged or it is not. We assume that the minimization of damages referred to is related to the assertion that the entire river will not be dredged, and;



- WHEREAS,** placement of dredge material on the Pearl River Wildlife Management Area is no longer a disposal option. The Department did discuss the possibility of spoil disposal on the management area, and our personnel did indicate certain sites where such disposal might prove to be beneficial, but no formal agreement was executed between the Corps and the Department for such disposal of spoil, and;
- WHEREAS,** we are also concerned that the disposal of spoil over the Bogue Chitto sill at the Navigation Channel could contribute to additional silting of the main stem of the West Pearl River at Wilson Slough (also a Scenic River). We acknowledge that the FEIS states that the heavier materials are expected to deposit in the channel within the first mile of the Bogue Chitto below the sill, but we question how the deposits will react to subsequent high flows when dredging is not taking place, are convinced that they will not remain in place forever, but will they be translated further downstream at each subsequent high water. Additionally, we are not convinced that the sediment from each maintenance dredging event will deposit in the same location each time, and;
- WHEREAS,** in the discussion of the mitigation measures, which are all terrestrial, there is a statement that, "Land acquisition will be from willing sellers." The word "will" indicates that this is an absolute requirement, and infers that if willing sellers are not found, mitigation will not be accomplished, and;
- WHEREAS,** the reservations that we have about Alternative 2 also apply to Alternative 3, and;
- WHEREAS,** in response to the U.S. Fish and Wildlife Service's Fish and Wildlife Coordination Act Report and Section 7 Biological Opinion, (included as Appendix F in the FEIS) the Department of Wildlife and Fisheries is not in total agreement with that agency on the acceptability of impacts to rare, threatened or endangered species in the West Pearl River, and;
- WHEREAS,** fish and wildlife resources of the Pearl River will be adversely impacted by the project, and;
- WHEREAS,** there will be absolutely no positive impacts on the biological community of the West Pearl River if this project is conducted, and from a biological and ecological perspective this project can do nothing but harm, and;

**WHEREAS,** all of the negative, environmental impacts of this project will be imposed upon the resources for which the Louisiana Wildlife and Fisheries Commission has responsibility, and all of the presumed, positive impacts will accrue to areas outside of our purview,

**THEREFORE BE IT RESOLVED,** that the Louisiana Wildlife and Fisheries Commission voices objection to, and opposes the implementation of the West Pearl River Navigation Project and subsequent maintenance of the new navigation channel.

**BE IT FURTHER RESOLVED,** that this resolution be forwarded to the U.S. Army Corps of Engineers, Vicksburg District, and;

**BE IT FURTHER RESOLVED,** that the Commission requests, that in addition to this resolution, the Secretary of the Department of Wildlife and Fisheries provide a letter to the U.S. Army Corps of Engineers, Vicksburg District for signatures of the Chairman of the Commission and the Secretary of the Department opposing the proposed West Pearl River Navigation Project.

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John F. "Jeff" Schneider  
Chairman, Louisiana Wildlife &  
Fisheries Commission

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Joe L. Herring  
Secretary, Louisiana Department  
of Wildlife & Fisheries

**Consideration of Deer Archery Season Dates** began with Mr. Tommy Prickett stating numerous requests have been received to extend the archery season. The current regulations have the archery season to run from October 1 through January 22. The request was to extend the season through January 31. Mr. Prickett then explained the archery seasons from the neighboring states. The staff was recommending staying with the current proposal of October 1 through January 22 statewide. However, if a change was made, the staff recommended zoning the state. Area 2 and 3 would be one zone with season dates of October 1 through January 16. Then the eastern part of the state, the dates could be October 16 through January 31. Chairman Schneider stated Commissioner Jones was to call a Hunting Regulations Committee meeting before final ratification of these dates. This issue could be discussed at that meeting and a report given to the Commission.

Mr. Prickett recommended another change to reduce the either sex days in the northern portion of Evangeline Parish. The district biologist and supervisor has evaluated the area and found a deer herd below capacity and agreed with the recommendation as long as it could be enforced. The recommendation was to reduce the antlerless harvest days to two days, October 30 and 31, north of Highway 106 on Crowell Lumber Company land in Evangeline Parish. Chairman Schneider requested the Hunting Regulations Committee look at the request and report back. *have*

**Changes in Proposed 1995 Turkey Hunting Season Dates on Certain WMAs** was discussed by Mr. Hugh Bateman. Reconsideration of dates was for District 7, the Florida parish Wildlife Management Areas. The recommendation was to set the 1995 turkey seasons for Bens Creek, Sandy Hollow, Tunica Hills and Pearl River to open March 18 and close April 9. Also, research would be initiated on the early season dates versus the late season dates to determine how it would impact the turkey population.

Hearing no further discussion on the above issue, Chairman Schneider went to the next item, **Report on the Fisherman's Sales Card and Dealer Receipt Card**. Mr. Fred Prejean provided an information packet to the Commissioners on events that explained what has occurred with these cards. The legislation passed in 1990 does not mention the Commercial Fisherman's Sales Card and Receipt Card. The Department has been collecting approximately \$225,000 annually from the gear license sales. These monies were dedicated and split between enforcement and the administration and sale of the gear license. The Sales Card Program needs between \$425,000 and \$475,000 to operate. Chairman Schneider asked if this figure was an annual figure? Commissioner Gisclair asked how many years has the Department been collecting these monies? Commissioner Mialjevich stated the gill netters wanted their license fee increased so they could have a paper trail and could get rid of the outlaws. He then asked what could be done to rectify the situation in order to help the commercial fishermen and stop the outlaws? And, he asked what was being enforced if the money was to be used to enforce the sales card? Commissioner Mialjevich then requested a total breakdown on how the revenues collected were spent. Mr. Prejean advised records were not kept that would show how the monies were spent. Commissioner Mialjevich then told Mr. Prejean the redfish people would probably present a legislative bill to reduce their licenses to the original fee. Mr. Prejean noted the Department was in support of the program and suggested adding words to the legislative act that specifically addresses the Sales Card Program. Commissioner Mialjevich asked Chairman Schneider what could the Commission do? Chairman Schneider felt clearing up the legislation was the route to take. Commissioner Mialjevich asked Chairman Schneider if he would meet with him, Mr. Clyde Kimball and appropriate legislators to clean up the act.

Commissioner Gisclair asked Mr. Prejean about the Texaco settlement and list of Capitol Outlay projects? Mr. Prejean stated he did not have the information for this meeting but informed the Commissioners, Secretary Herring decided the Texaco monies would be used to purchase radios.

An unidentified speaker from Roy Shrimp Company in Leeville asked what happened to the money that was paid for the stamping machines bought by the different businesses. Mr. Prejean stated the report showed monies ~~was~~ used to buy those machines. Ms. Wynnette Kees thought all the money were reimbursed to the businesses. *was*

**Civil Restitution and Class 1 Update** for the month of April was provided by Ms. Wynnette Kees. Fourteen cases were assessed with a value of \$44,732. During the month, payments have been received on 27 cases which totaled \$11,939. Ms. Kees then explained about the progress with the program during the past month. Commissioner Mialjevich asked if the Department was going after everyone that owed for Civil Restitution and ~~was there~~ *were* records of everything stored and where it was located.

The **Monthly Law Enforcement Report for April** was given by Col. Winton Vidrine. The following numbers of citations were issued during the month of April.

Region I - Minden - 63 citations.

Region II - Monroe - 64 citations.

Region III - Alexandria - 171 citations.

Region IV - Ferriday - 113 citations.

Region V - Lake Charles - 200 citations.

Region VI - Opelousas - 226 citations.

Region VII - Baton Rouge - 200 citations.

Region VIII - New Orleans - 222 citations.

Region IX - Thibodaux - 291 citations. Commissioner Mialjevich asked if the confiscated shrimp were from inshore or outside waters and what was the fine for this violation? Commissioner Jones asked if the rule three strikes and you are out would be implemented by the Department?

Oyster Strike Force - 60 citations.

Statewide Strike Force - 141 citations.

Offshore Boats (SWEP) - 32 citations.

The grand total of citations issued statewide for the month of April was 1,580.

Col. Vidrine informed the Commissioners on the outcome of a turkey case in Winn Parish. Commissioner Jones commented the judge did bring down the proper penalty and fine on this case. Commissioner Mialjevich asked about Operation Gold Key? Major Tommy Candies reported there was a 100 percent conviction on cases that went to court. There are two cases still pending on drug charges. Penalties for the fish fines ranged from \$2,500 down to \$350. Commissioner Jones asked does the Department have the

authority not to issue licenses to these convicted violators? Commissioner Mialjevich stated he asked about Operation Gold Key because he wanted to send a message to recreational and commercial fishermen not to break the law.

Major Tommy Candies and Sergeant Jukes presented a slide presentation on activities of the Oyster Strike Force.

The **Secretary's Report** to the Commission was given by Secretary Herring. The Natural Heritage Section published a new book, "The Atlas of the Flora of Louisiana".

The Marine Fisheries Division has completed the third in a series coastal map which covers the Lake Pontchartrain - Lake Borgne area and marshes south. It should be available for sale by June 1.

The Recreational Fishing and Development Board still has three vacant seats and efforts are continuing to look for nominees. The Board was hoping to have a meeting in May.

Six Chevron rigs and one barge were permitted to be placed as artificial reefs.

A special shrimp season was held in Calcasieu Lake to allow the harvest of the overwintering white shrimp. The season ran from April 23 through April 28 and was only a fair season.

The Marine Lab had several activities continuing through the month. Personnel from Enforcement and other divisions used the lab as a base of operation. Civic clubs, scout groups, the Corps of Engineers, U.S. Fish and Wildlife Service, and professors from several universities also visited the Marine Lab.

Department personnel participated in an oil spill drill and workshop.

The Aquatic Plant Research and Control Section of the Inland Fisheries Division sprayed 1,259 acres of water hyacinths and also repaired and cleaned 25 boat ramps throughout the state.

The striped bass and hybrid bass program was very successful. A total of 11,096,000 fry were produced. Of this total, 3,435,000 were hybrids and 7,661,000 were striped bass. These fry were stocked into lakes, streams and tributaries throughout the State as well as being stocked in Rockefeller Refuge.

The Department participated in Bring Your Daughter to Work Day. There were different activities staff presented to the girls. One of the biggest highlights was viewing the Plankton Lab.

Information and Education Division produced 23 News Releases and seven News Features. Plans for a Legislative Press Briefing were continuing and would be held May 10 in the Baton Rouge office at 7:00 p.m. There was only one Department bill accepted for this legislative session that dealt with a severance tax on mussels. Commissioner Jones asked why were the other proposed bills turned down? Secretary Herring stated the bills did not comply with the law for the 30 day fiscal session.

Project WILD held three workshops with 77 participants; Hunter Education held seven classes with 344 students; Volunteer Hunter Ed Instructor had four classes with 25 participants; two Bow Hunter Education Classes with 40 students; one Skeet Shooting Class with 150 students; and ten classes on Aquatic Education with 527 students were held.

The Wildlife Division had received many phone calls on the black bear critical habitat. <sup>issue</sup> Landowners, sportsmen and hunting clubs that lease land ~~has~~ called to find out what was going on. *have* The Black Bear Conservation Committee has held three meetings to explain the critical habitat area.

The Department asked for the brown pelican to be delisted from Endangered Species and possibly even the threatened list. Also, there are several species the Department has been successful ~~with~~ in bringing ~~these species~~ back from endangered, such as the alligator, the bald eagle, the striped bass, the bear and the brown pelican. But the Endangered Species Act does not want to recognize what the Department has done over the years with these animals. Secretary Herring wanted the Commission to be aware of the fact the Department would be financing the work on the black bear.

The Governor's Shrimp Task Force held eight public meetings on shrimp sanctuaries along the coast. There was good participation in these meetings and more information was received than from any other time in history. A summary of the information was provided to the Commissioners for them to look over before the next Commission Meeting.

Commissioner Vujnovich made a motion the **September 1994 Meeting Date** be scheduled for Thursday, September 1, 1994 in the Baton Rouge office, beginning at 10:00 a.m. This motion was seconded by Commissioner Jones and passed with no opposition.

Chairman Schneider presented a plaque to Commissioner Jones for serving as Chairman of the Commission.

Chairman Schneider asked for **Public Comments**. Commissioner Mialjevich asked that catfish discussion and possibility of a Notice of Intent in Des Allemands area be placed on the June Commission agenda. Chairman Schneider asked if this was related to size again?

Mr. Woody Crews complained about the hydrilla plant that was taking over the marshes of south Louisiana. He felt this plant was going to change the face of the maps and charts of Louisiana unless a solution was found. Chairman Schneider noted the Commission was aware of the problem. Mr. Bennie Fontenot stated the staff was very aware of the problem and the plant was very unfeasible to treat with chemical. The Triploid Grass Carp has been found to eat hydrilla but would only work in a closed system.

There being no further business, Commissioner Mialjevich made a motion to **Adjourn** and was seconded by Commissioner Hanchey.

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Joe L. Herring  
Secretary

JLH:sch

## AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
NEW ORLEANS, LA  
May 5, 1994  
10:00 AM

1. Roll Call
2. Approval of Minutes of April 7, 1994
3. Presentation of Data and Declaration of Emergency to Set 1994 Spring Inshore Shrimp Season - Corky Perret
4. Consideration of Ban on Night Shrimping in Vermilion Bay - Tee John Mialjevich
5. Proposed Resolution on Lead Sinker Ban Submitted by EPA - Bennie Fontenot
6. Aircraft Report - Lee Caubarreaux
7. Changes in Proposed 1995 Turkey Hunting Season Dates on Certain WMAs - Hugh Bateman
8. Consideration of Deer Archery Season Dates - Dave Moreland
9. Public Comments on 1994-95 Resident Game Hunting Seasons
10. Shell Dredging Lease Bid Package, Central Coast - Bert Jones
11. Pearl River Navigation Project Resolution - Blue Watson
12. Report on Fisherman's Sales Card and Dealer Receipt Card, Information Only - Fred Prejean
13. Civil Restitution and Class 1 Update - Wynnette Kees
14. Monthly Law Enforcement Report/April - Winton Vidrine
15. Secretary's Report to the Commission - Joe Herring
16. Set September 1994 Meeting Date
17. Public Comments
18. Adjourn



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AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
NEW ORLEANS, LA  
May 5, 1994  
10:00 AM

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- ✓15. Secretary's Report to the Commission - Joe Herring
- ✓16. Set September 1994 Meeting Date
- ✓17. Public Comments
18. Adjourn

COMMISSION MEETING  
ROLL CALL

Thursday, May 5, 1994  
New Orleans, LA  
Landmark Hotel

	Attended	Absent
Jeff Schneider (Chairman)	<u>✓</u>	___
Bert Jones	<u>✓</u>	___
Perry Gisclair	<u>✓</u>	___
Tee John Mialjevich	<u>✓</u>	___
Joseph Cormier	<u>✓</u>	___
Jerald Hanchey	<u>✓</u>	___
Peter Vujnovich	<u>✓</u>	___

Mr. Chairman:

There are 67 Commissioners in attendance and we have a quorum.  
Secretary Herring is also present.

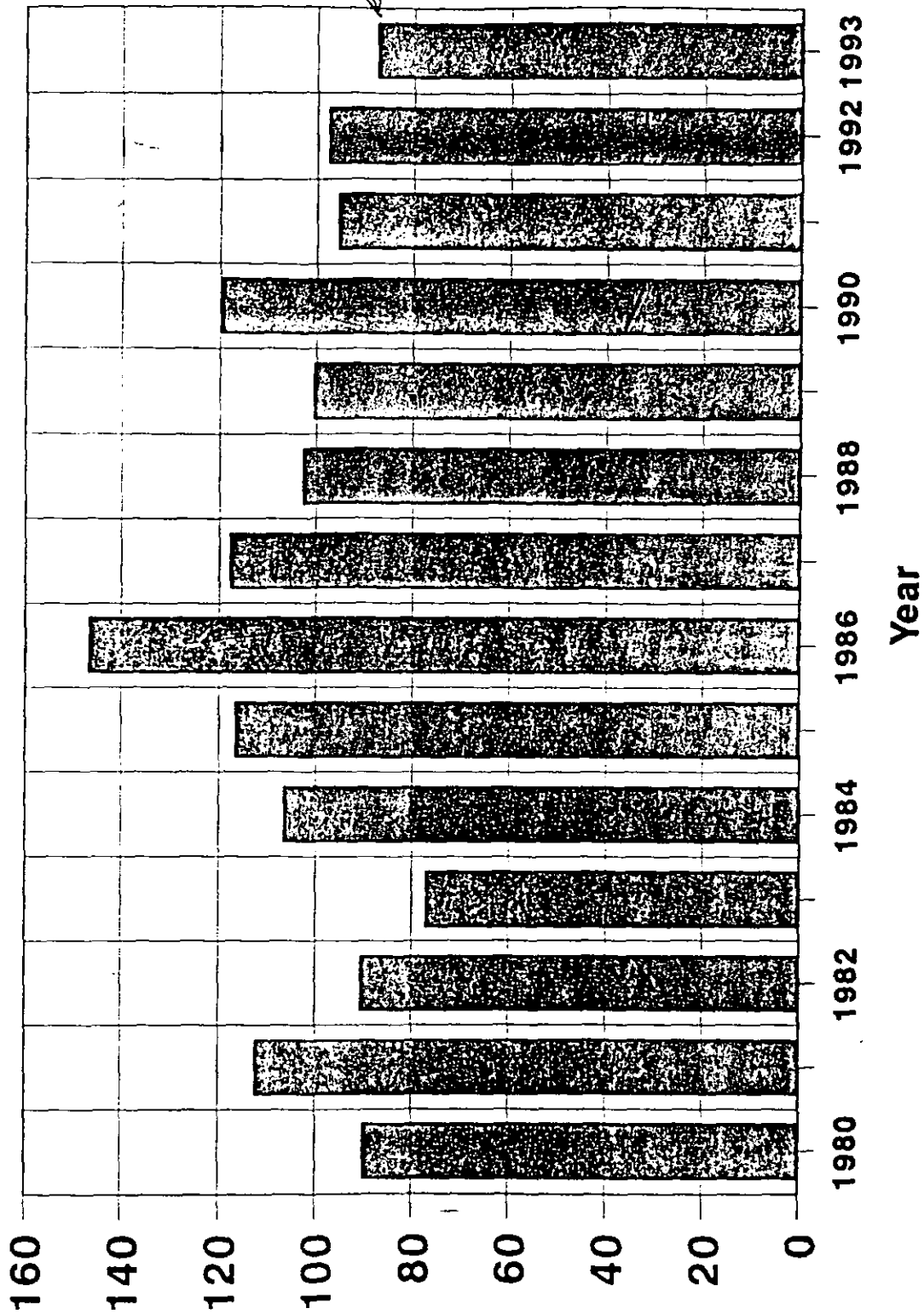
# MARINE FISHERIES DIVISION



ANNUAL SPRING SHRIMP PRESENTATION  
1994

# Louisiana Shrimp Landings

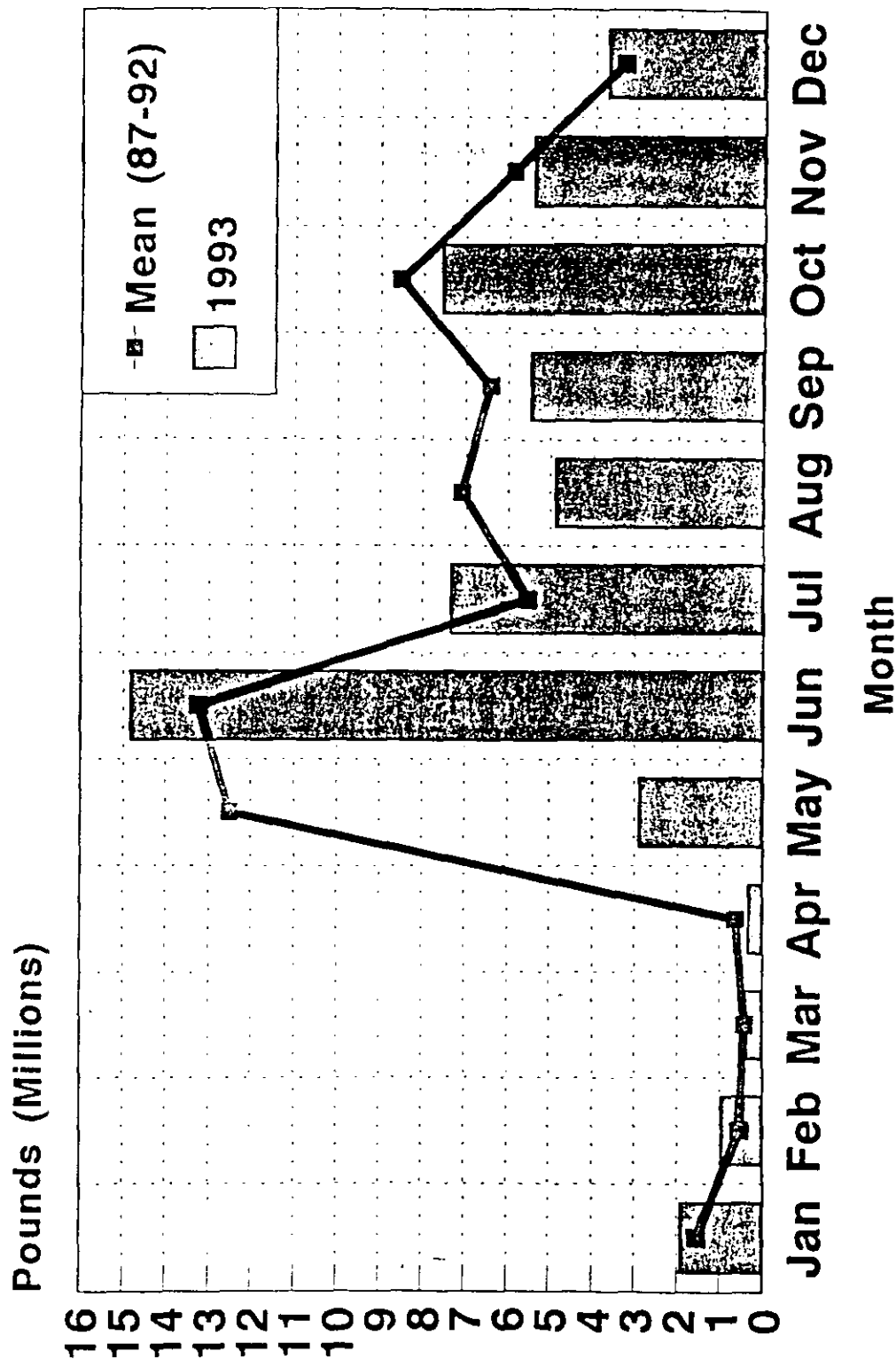
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Source: NMFS

# Louisiana Landings

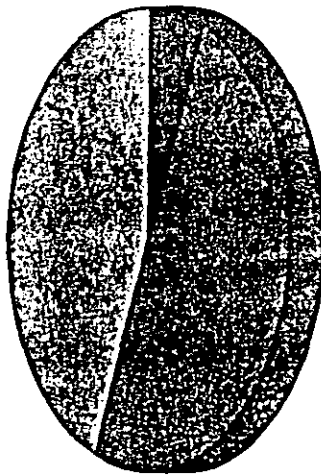
(Heads-Off)



preliminary from  
NMFS SHRIMP STATISTICS

# LOUISIANA SHRIMP LANDINGS WEIGHT BY SPECIES

White Shrimp 44%

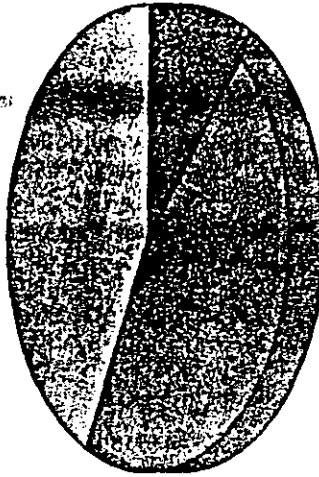


Brown Shrimp 50%

Seabobs 6%

Average 1982 - 1991

White Shrimp 43%

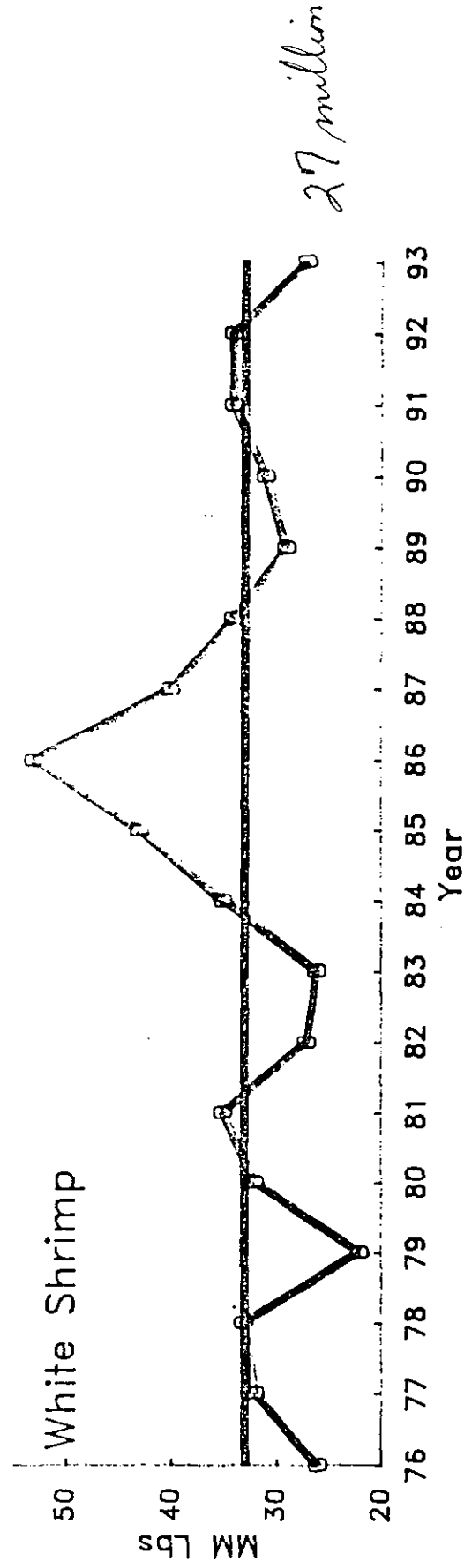
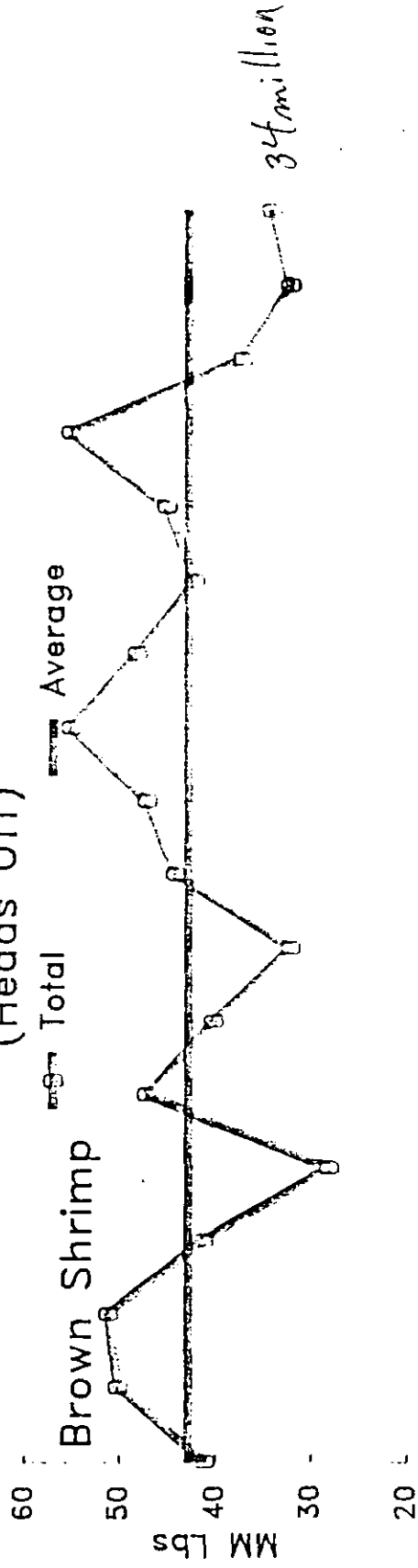


Brown Shrimp 46%

Seabobs 11%

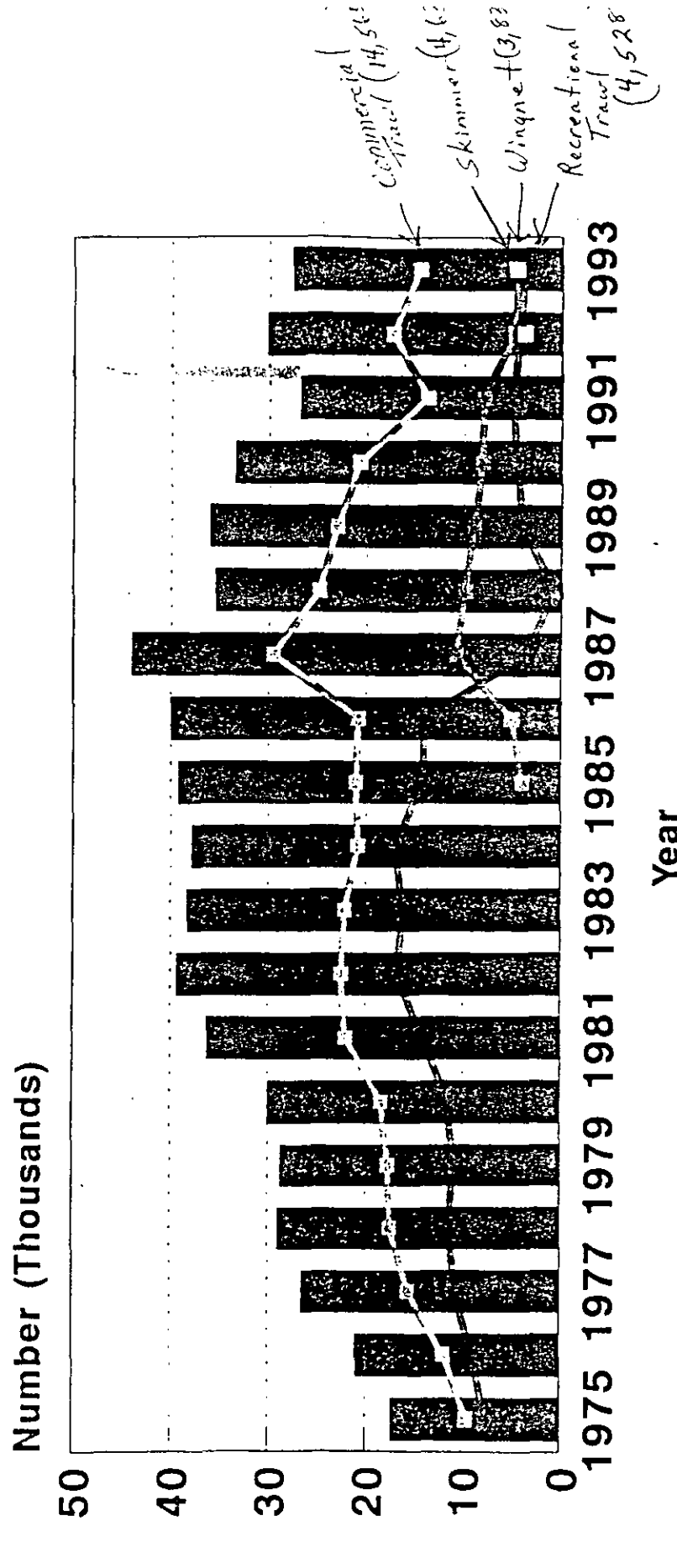
1993

# Louisiana Shrimp Catch (Heads Off)



# Louisiana Shrimp Gear

## License Sales by Year

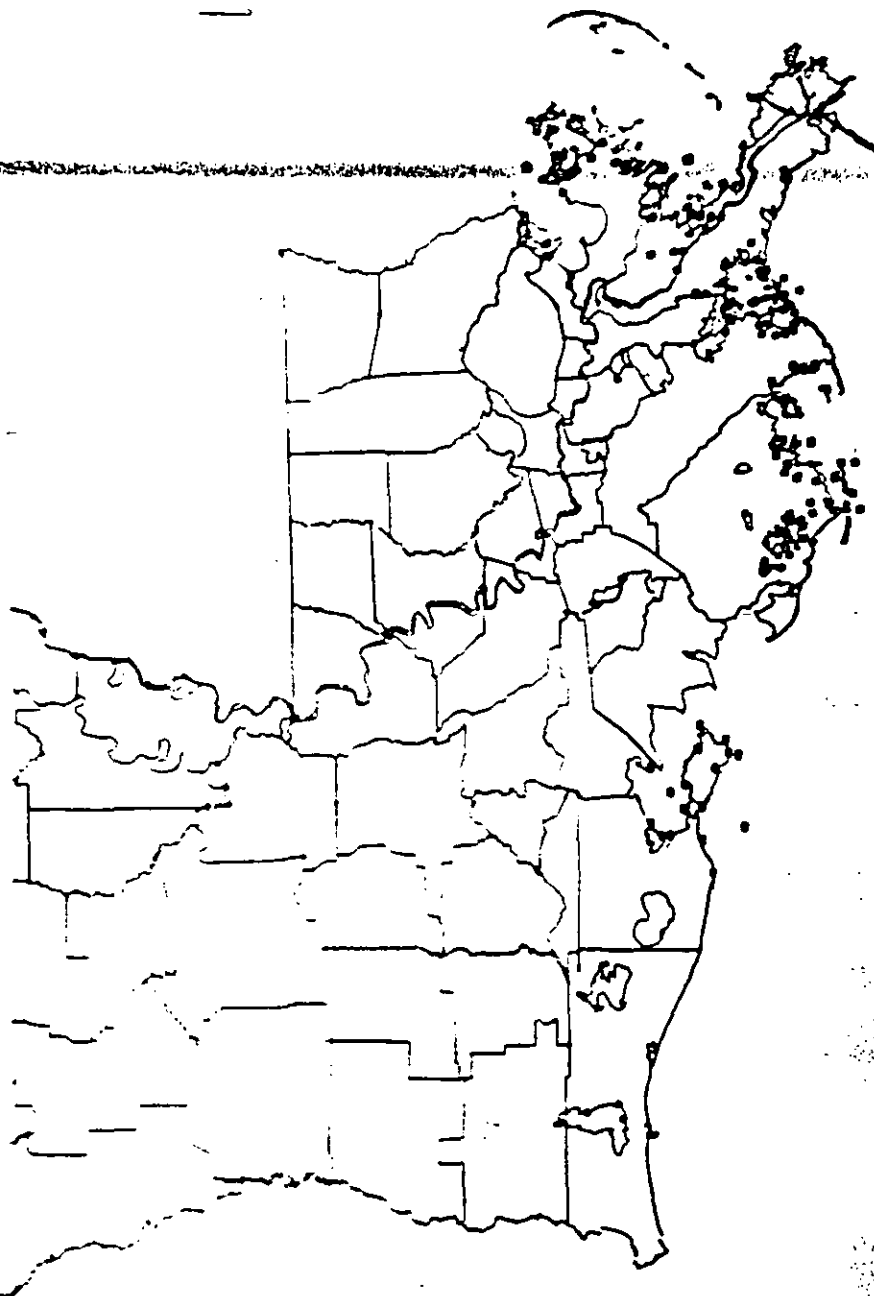


Commercial Trawl Recreational Trawl Wingnet

Skimmer Total



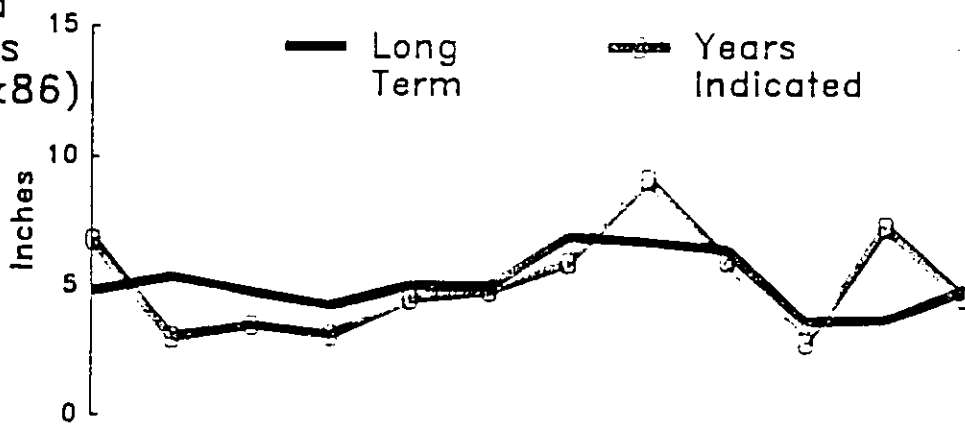
LOUISIANA DEPT WILDLIFE & FISHERIES  
SHRIMP/GROUNDFISH MONITORING PROGRAM  
SAMPLING STATIONS



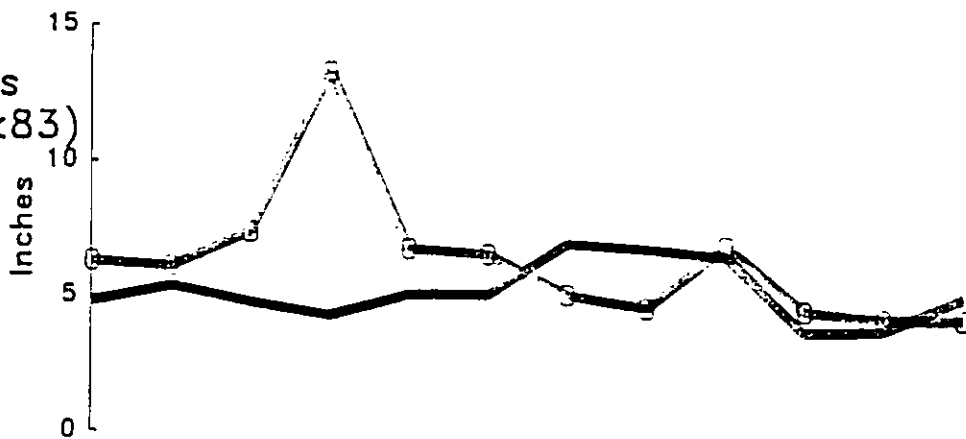
130+  
stations

# S.E. Louisiana Rainfall

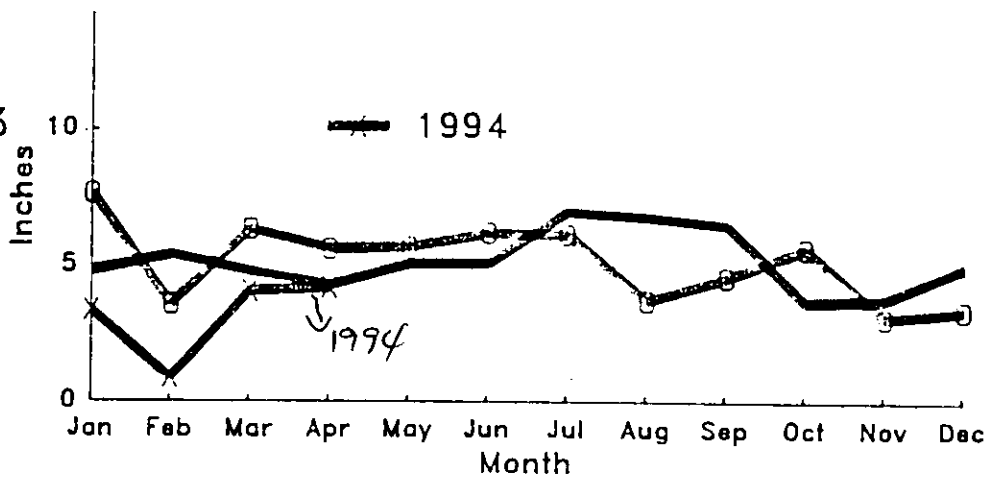
Good  
Years  
(81&86)



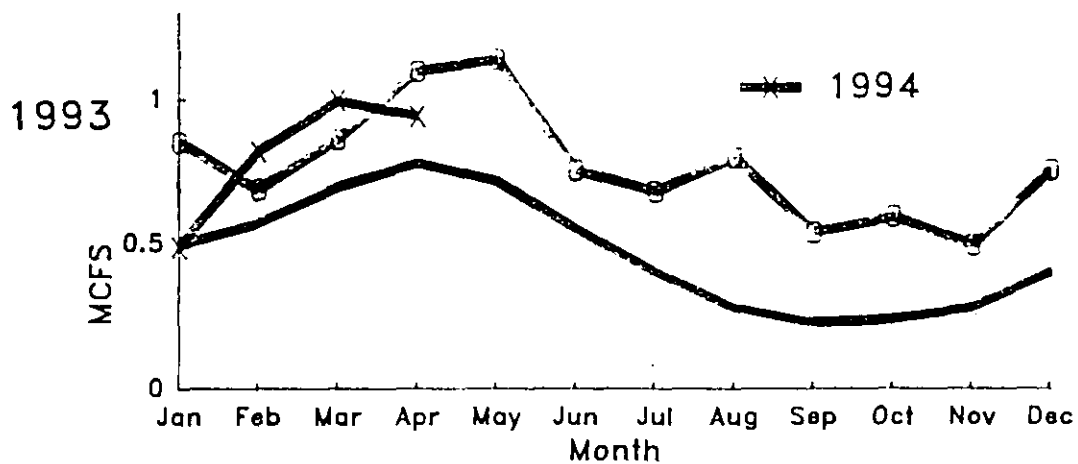
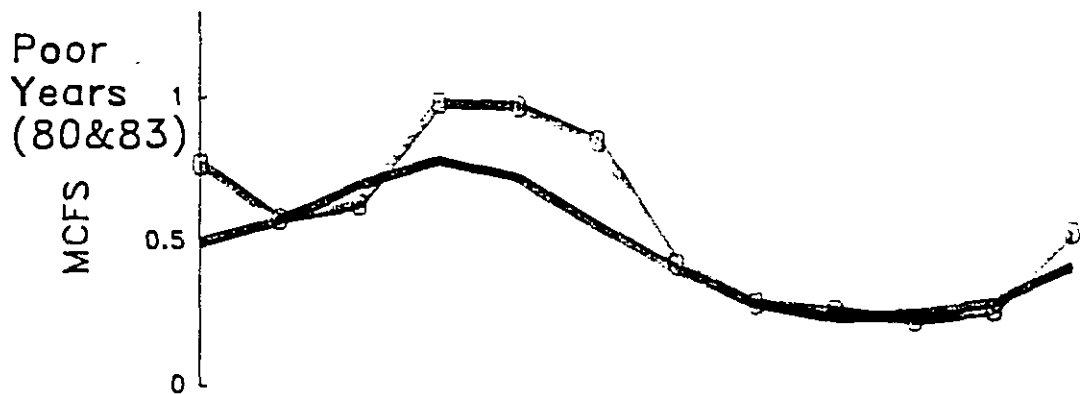
Poor  
Years  
(80&83)



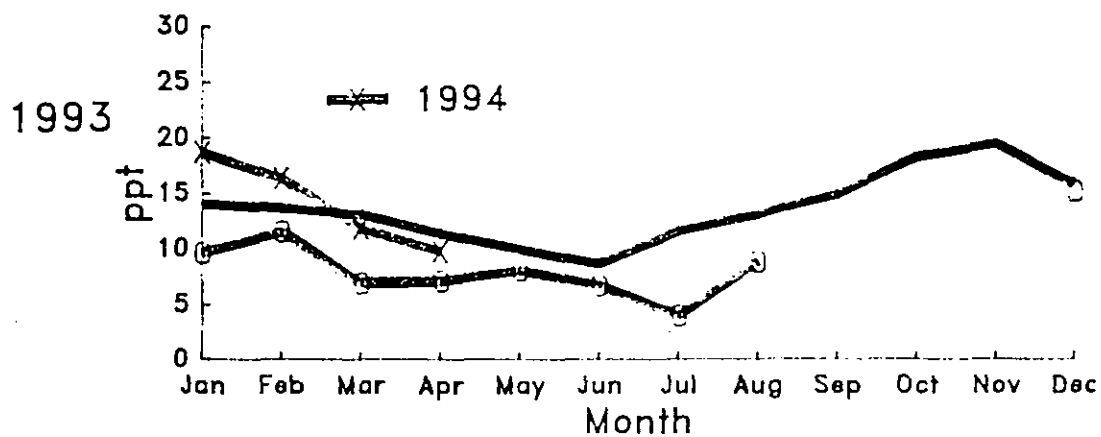
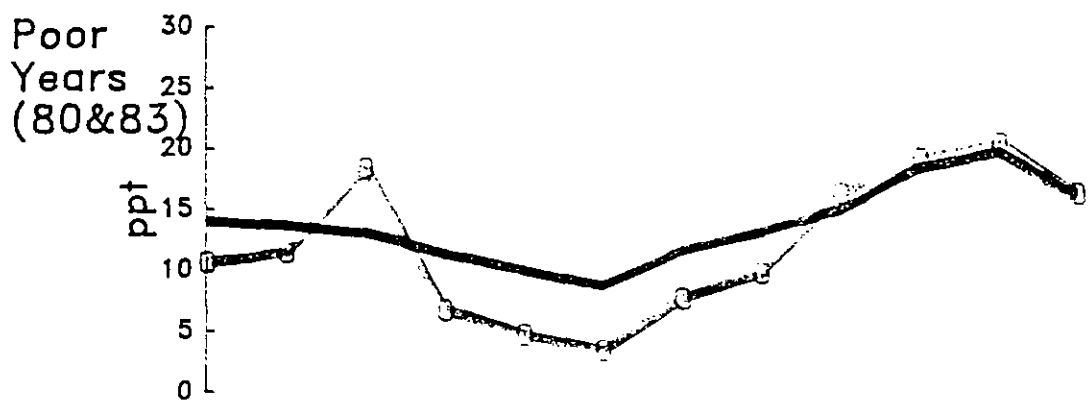
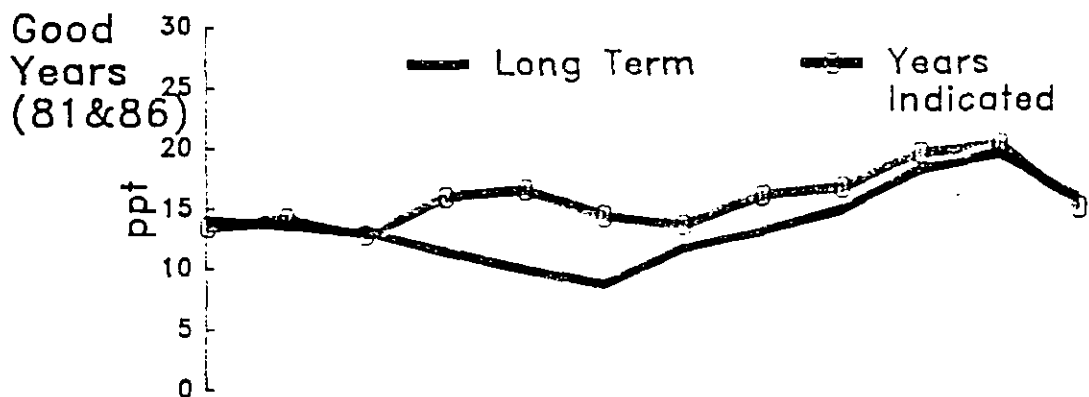
1993



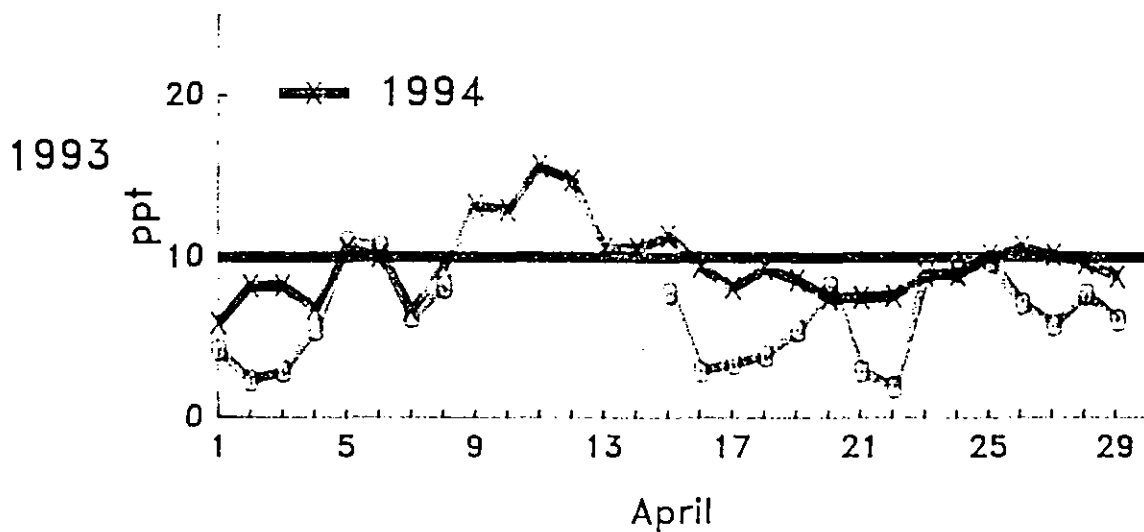
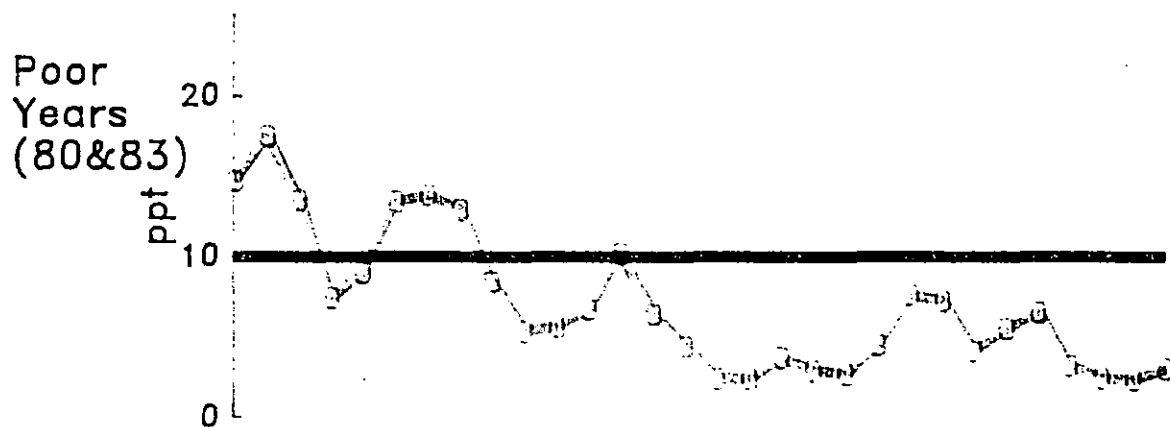
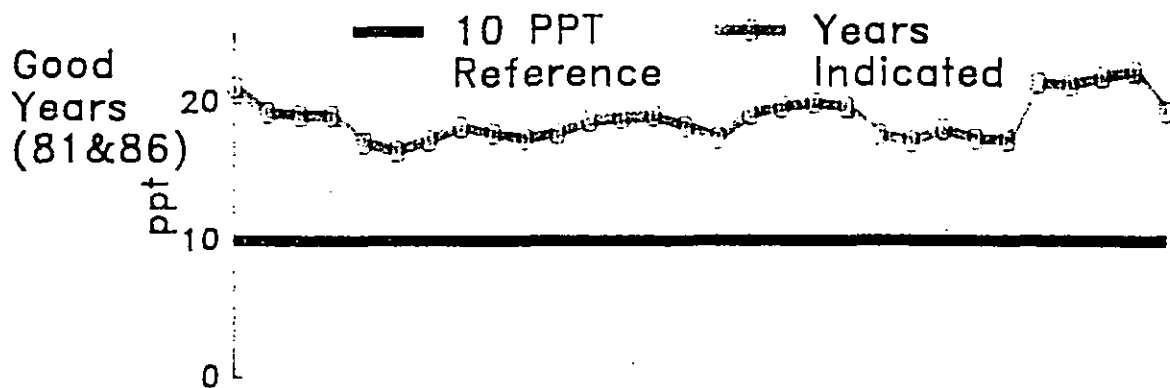
# Mississippi River Discharge



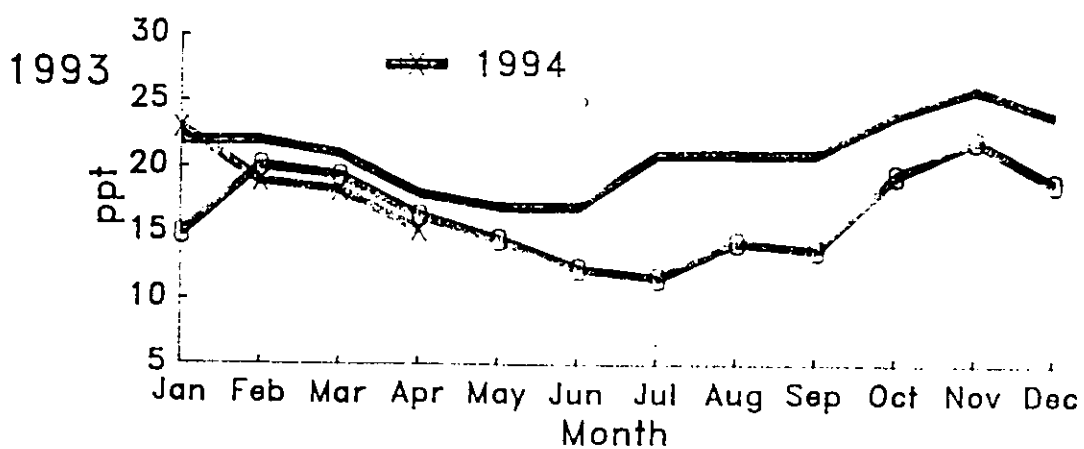
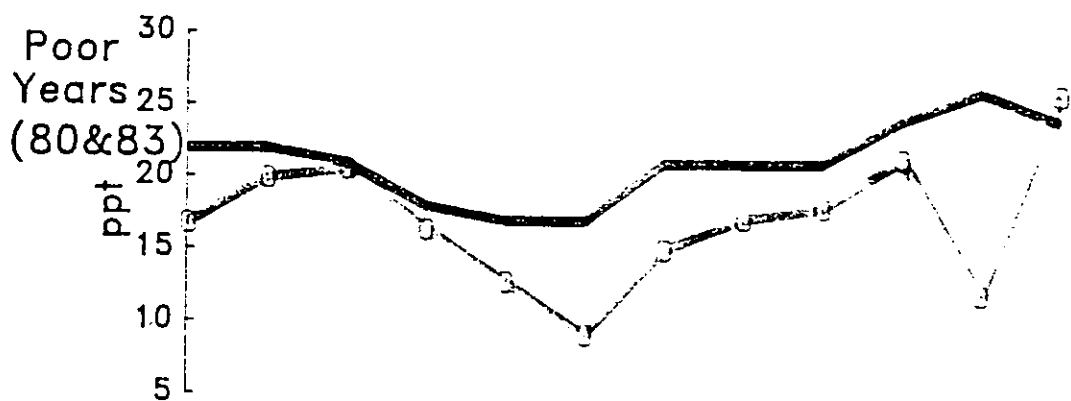
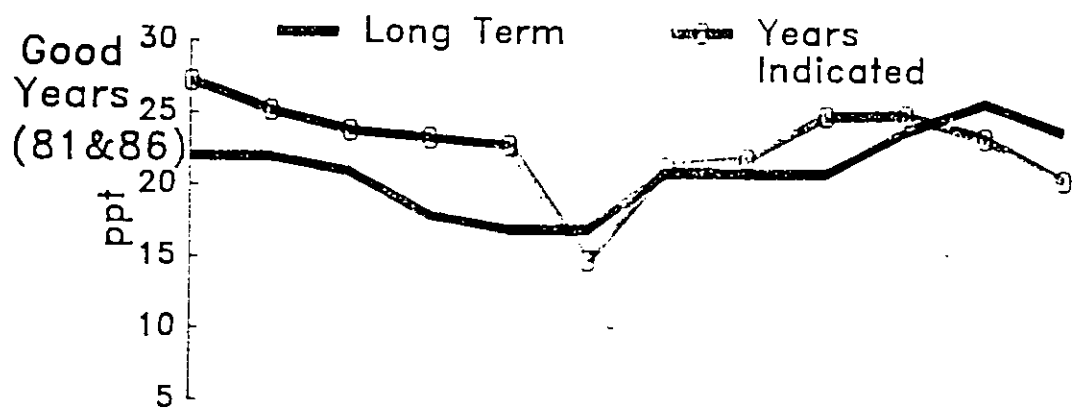
# N. Barataria Bay Salinity



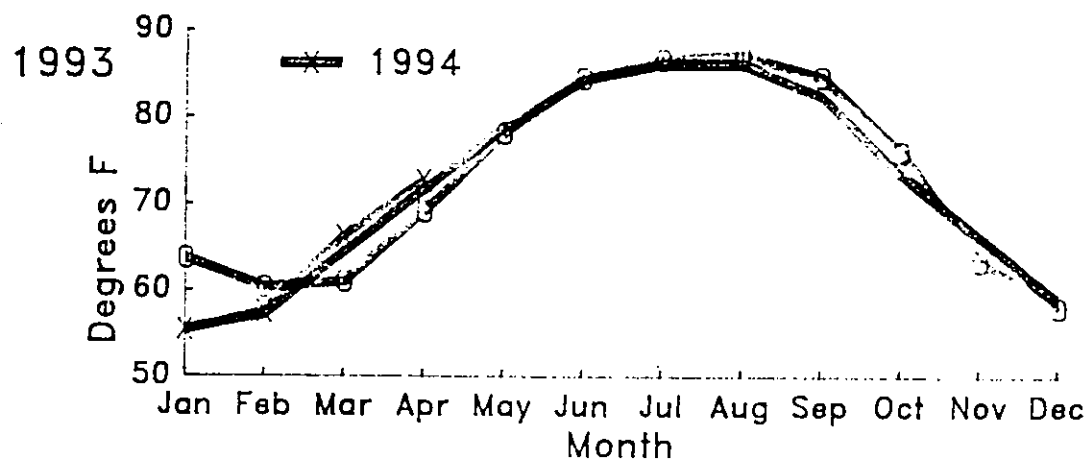
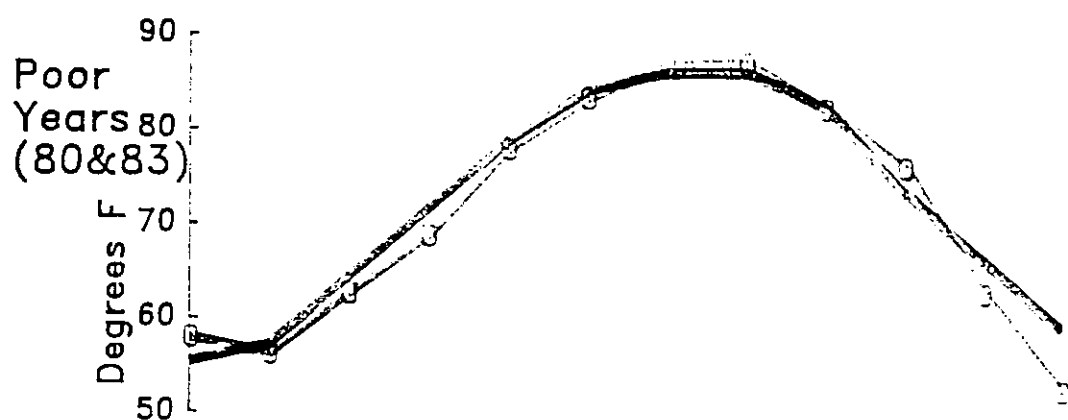
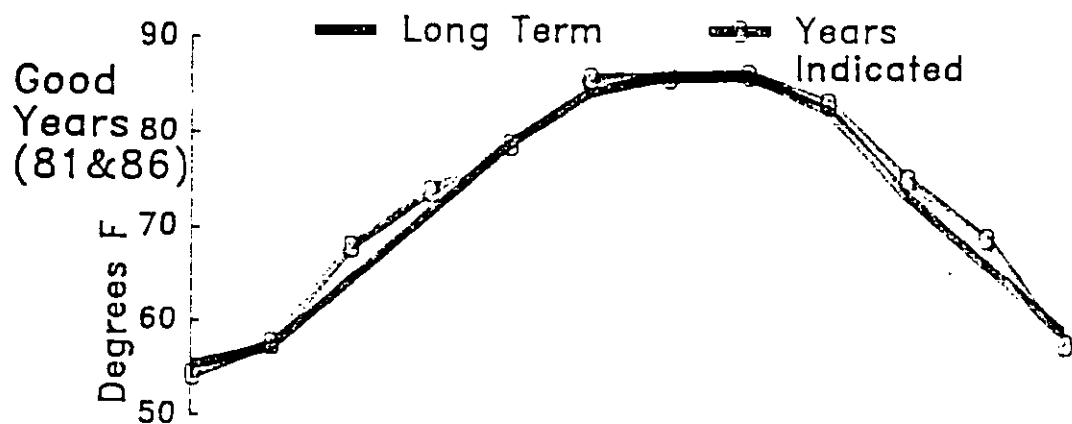
# N. Barataria Bay Daily Salinity



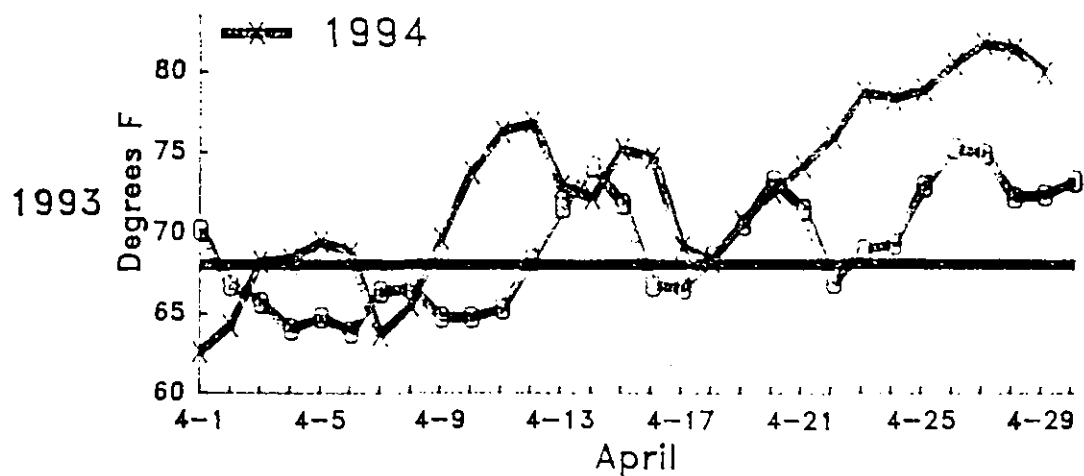
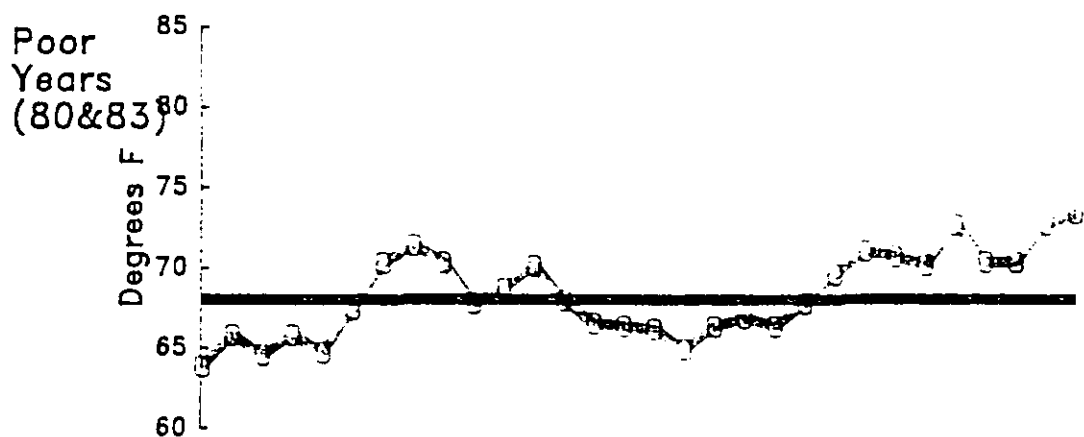
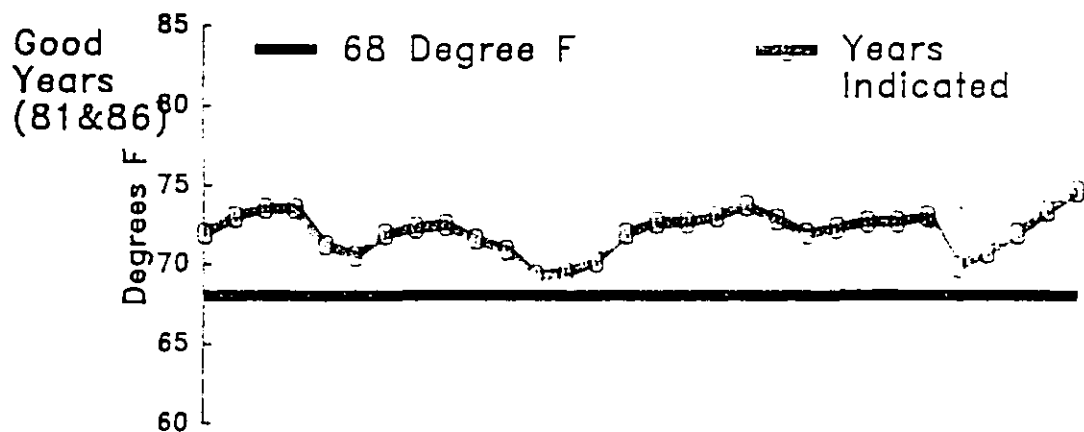
# S. Barataria Bay Salinity



# S. Barataria Bay Temperature

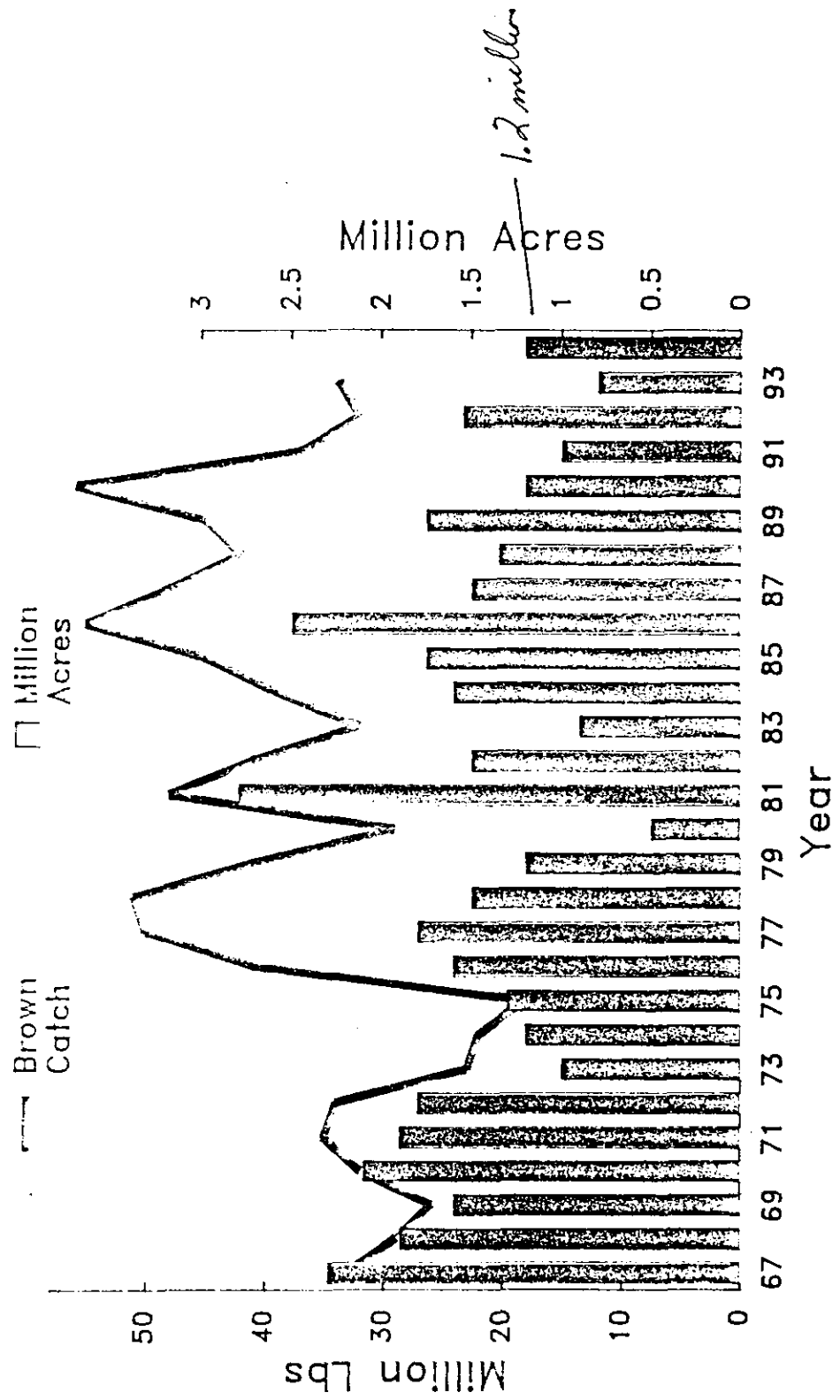


# S. Bay Daily Water Temperature



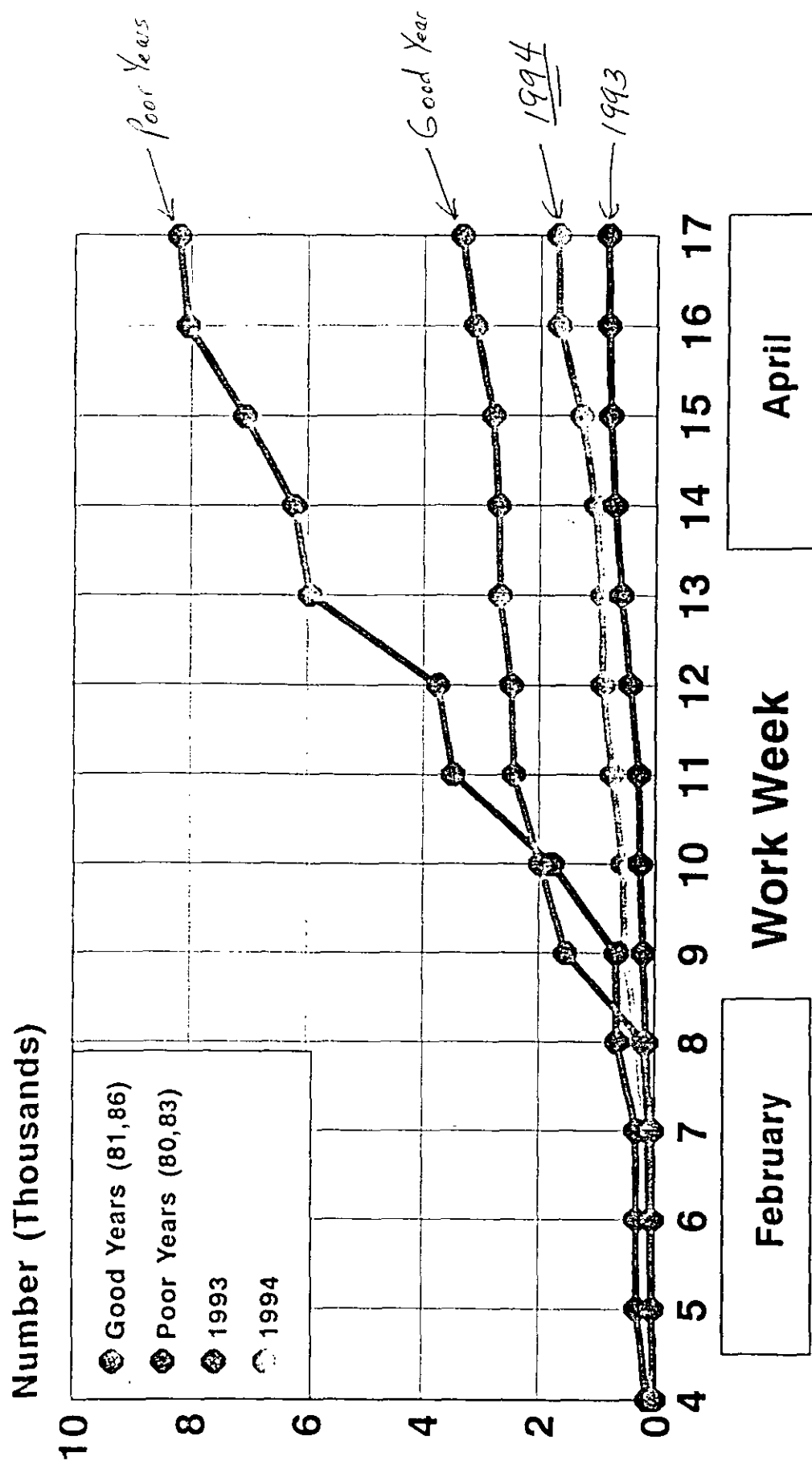


# April Brown Shrimp Nursery Area



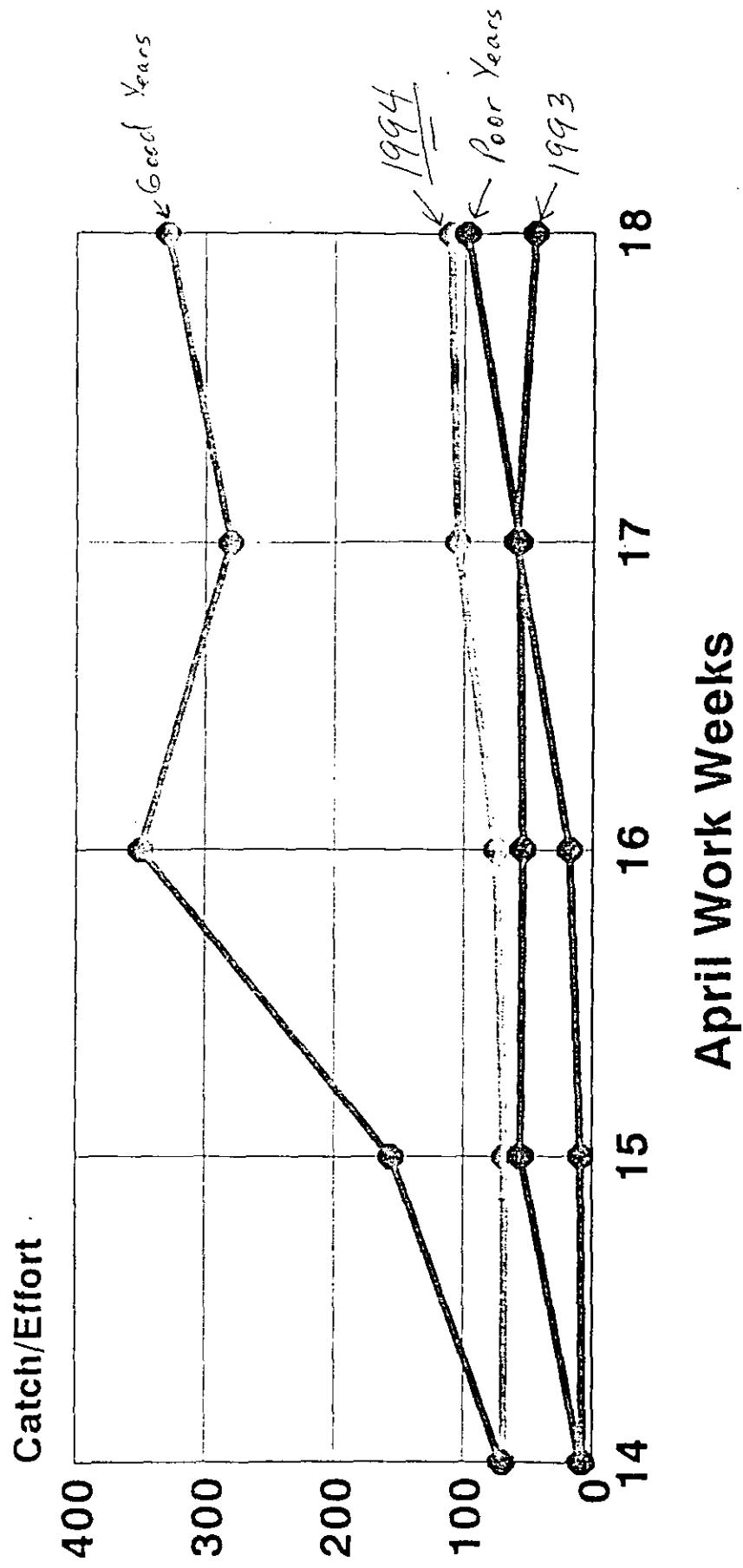
# Cumulative Postlarval Catch

## Barataria Bay



# Brown Shrimp in 6' Trawls

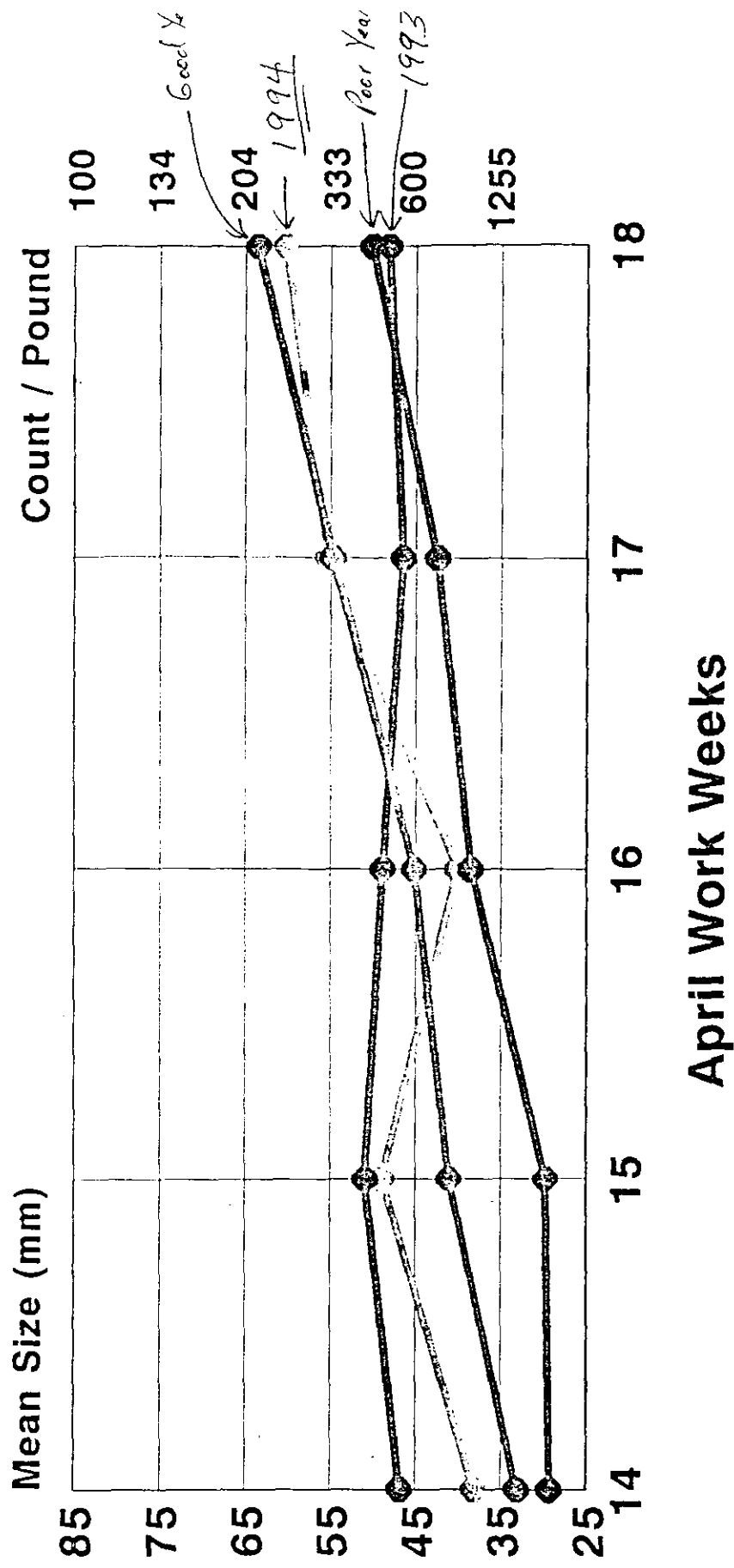
## Barataria Bay



◆ Good Years ◆ Poor Years ◆ 1993 ◆ 1994

# Brown Shrimp in 6' Trawls

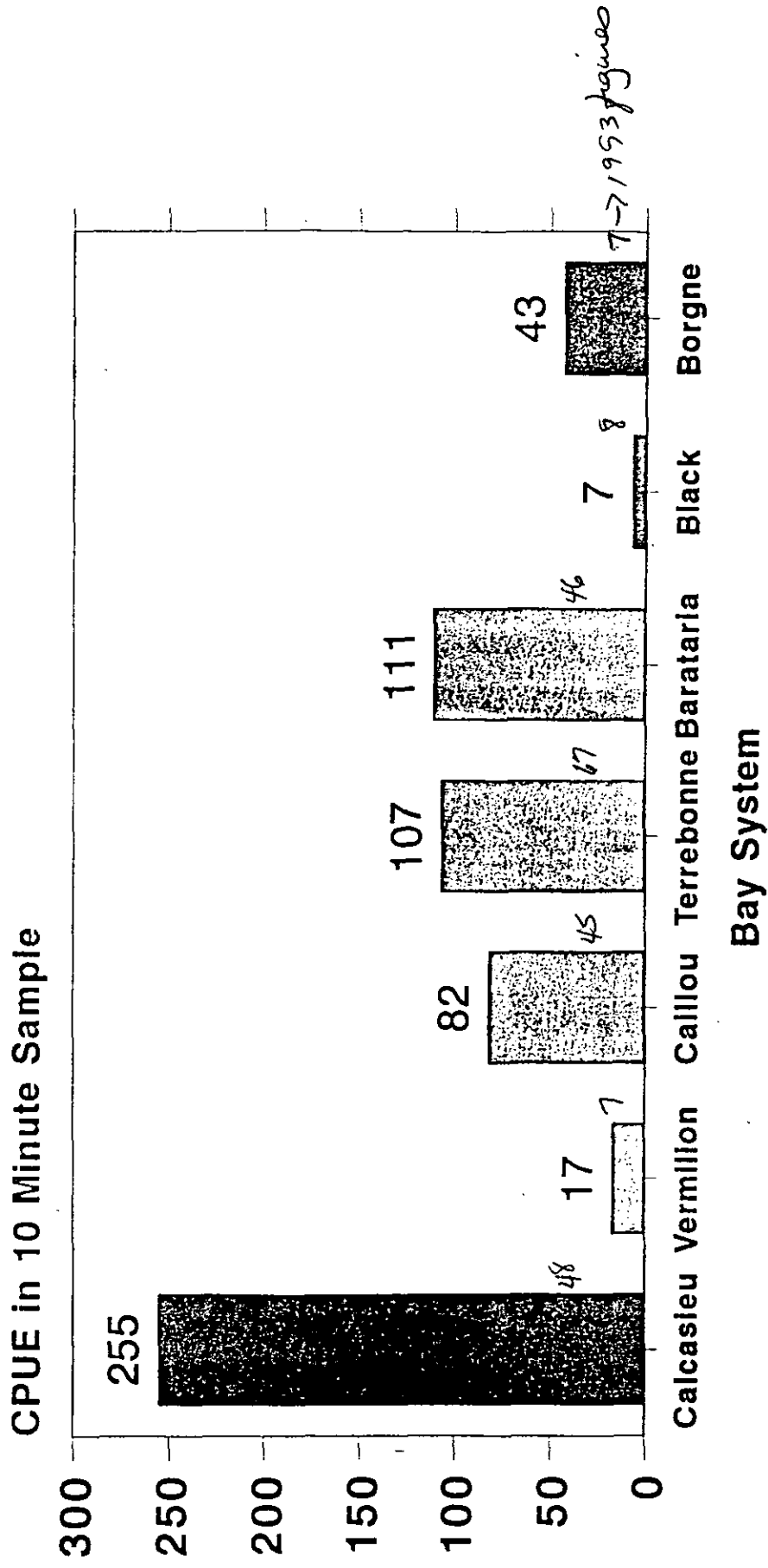
## Barataria Bay



● Good Years ● Poor Years ● 1993 ● 1994

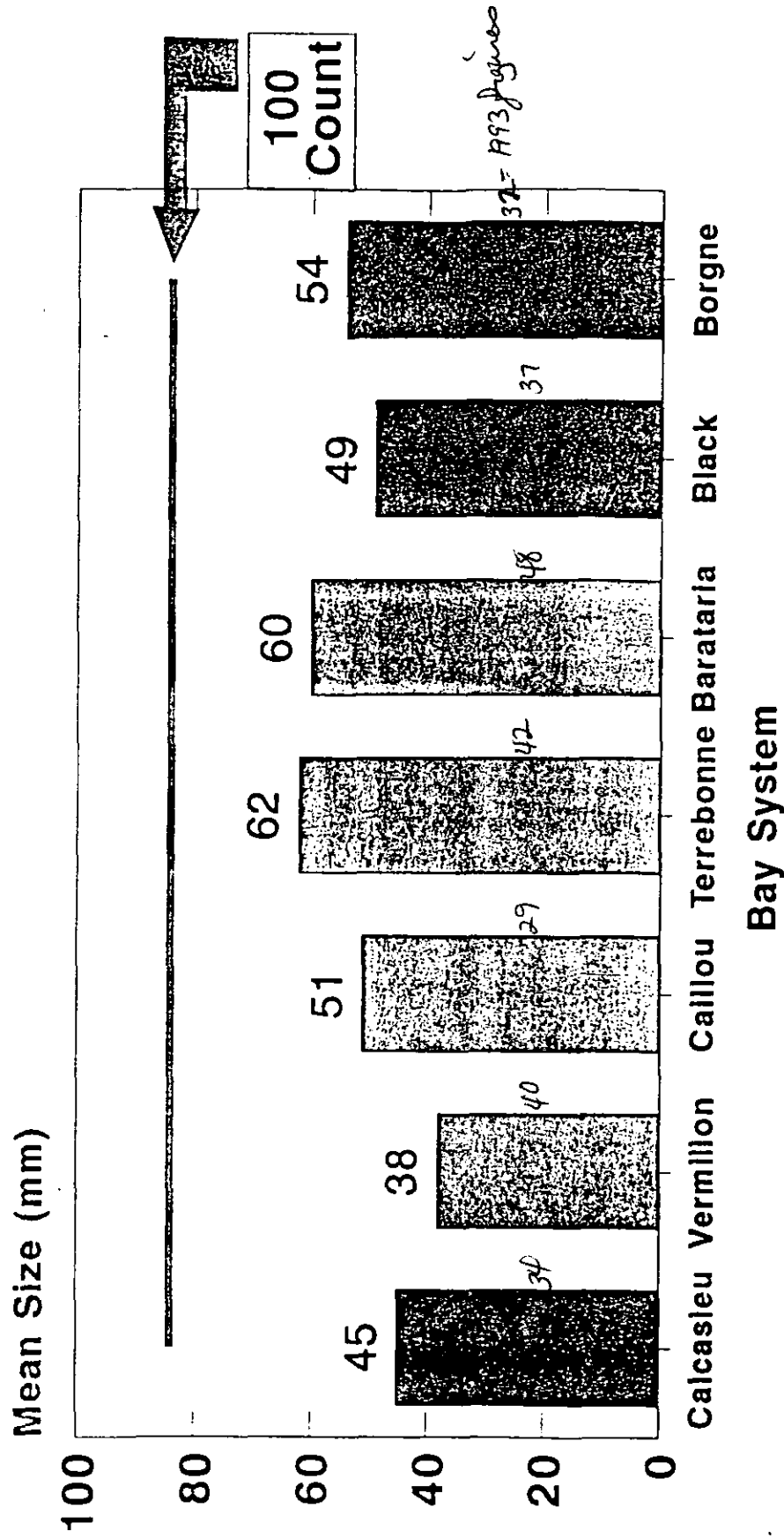
# Brown Shrimp Catch per Effort

## Week 18, 1994



# Brown Shrimp Size

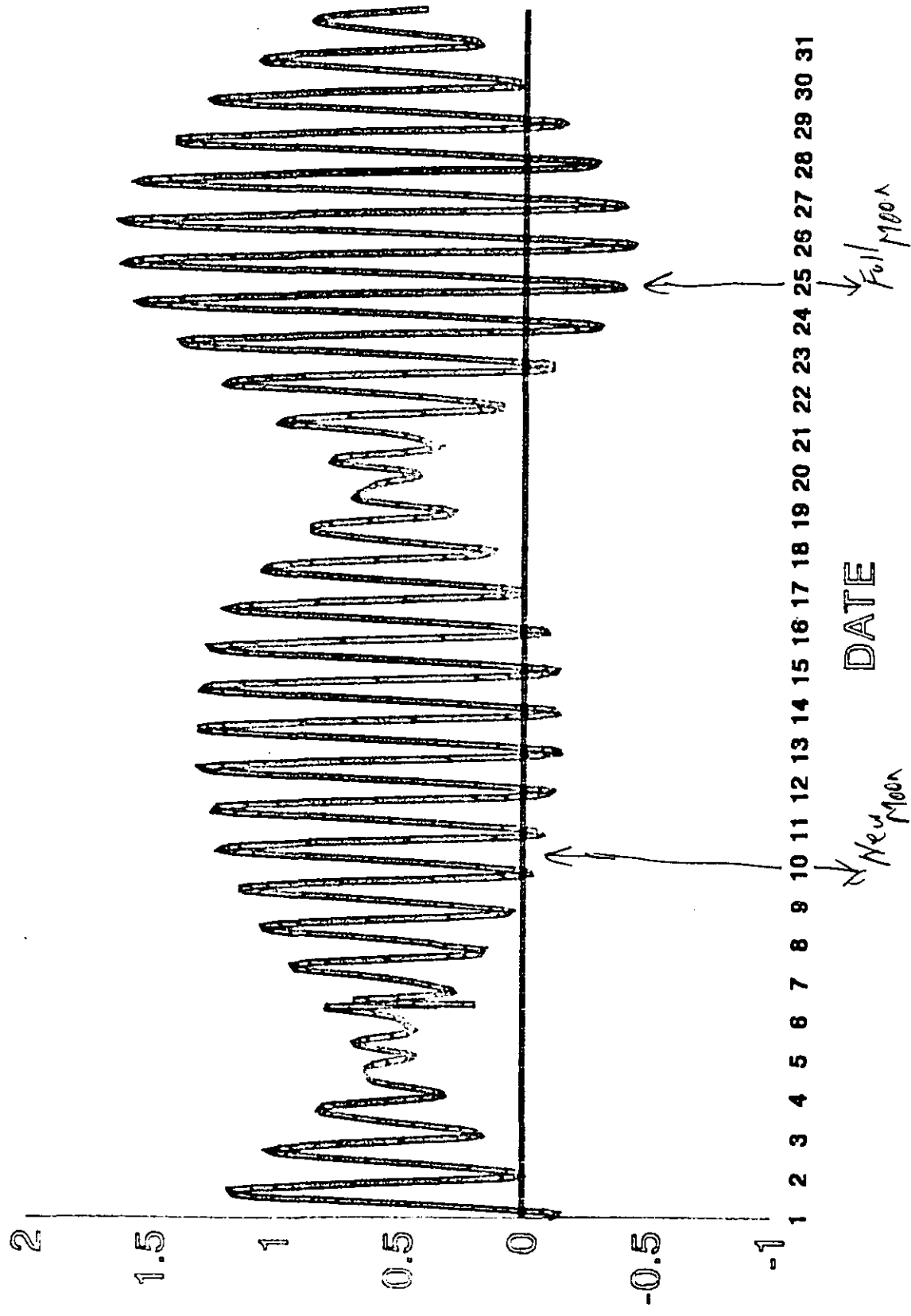
Week 18, 1994

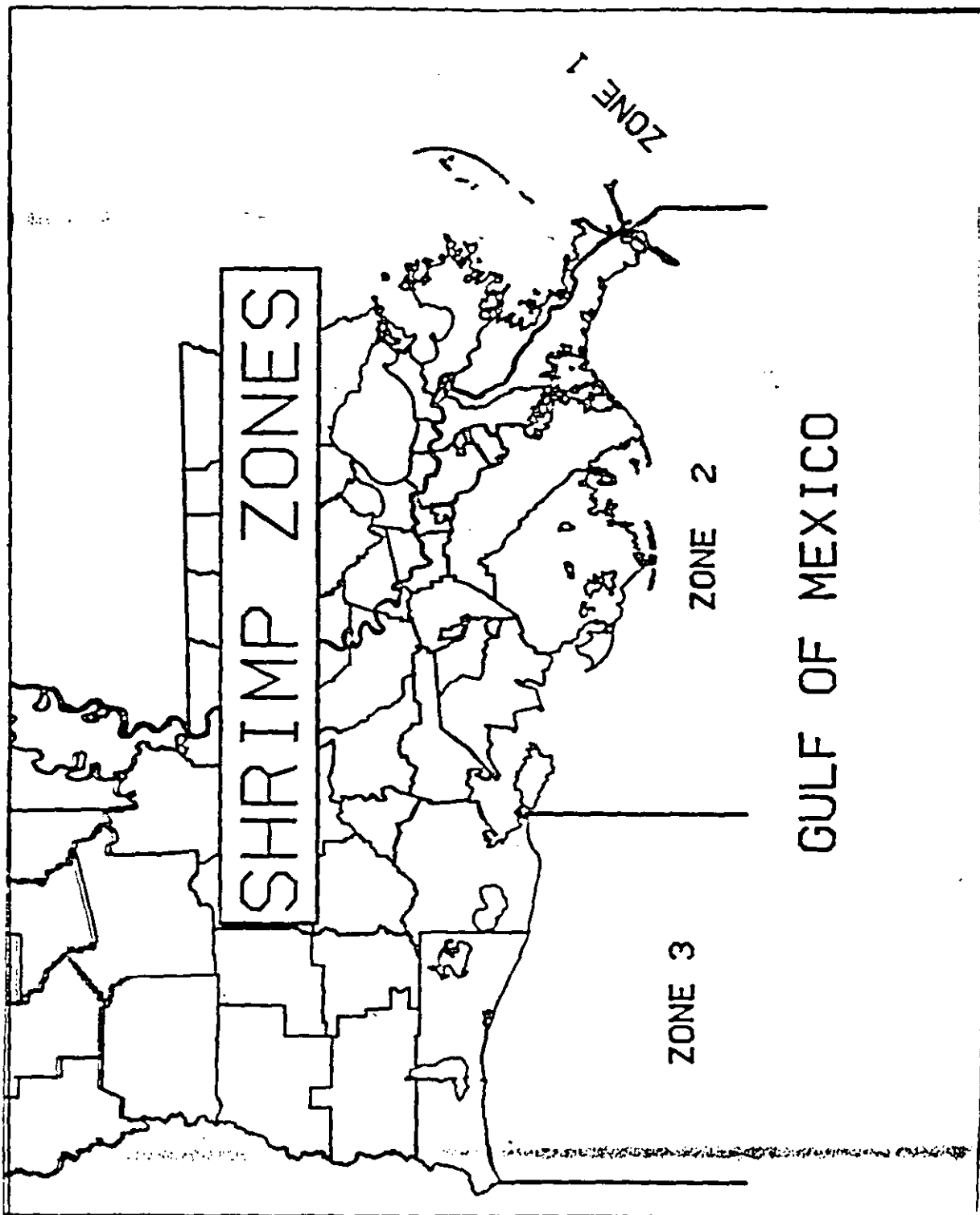


Zone 3 Zone 2 Zone 1

# May 1994 Predicted Tidal Range

## Barataria Pass

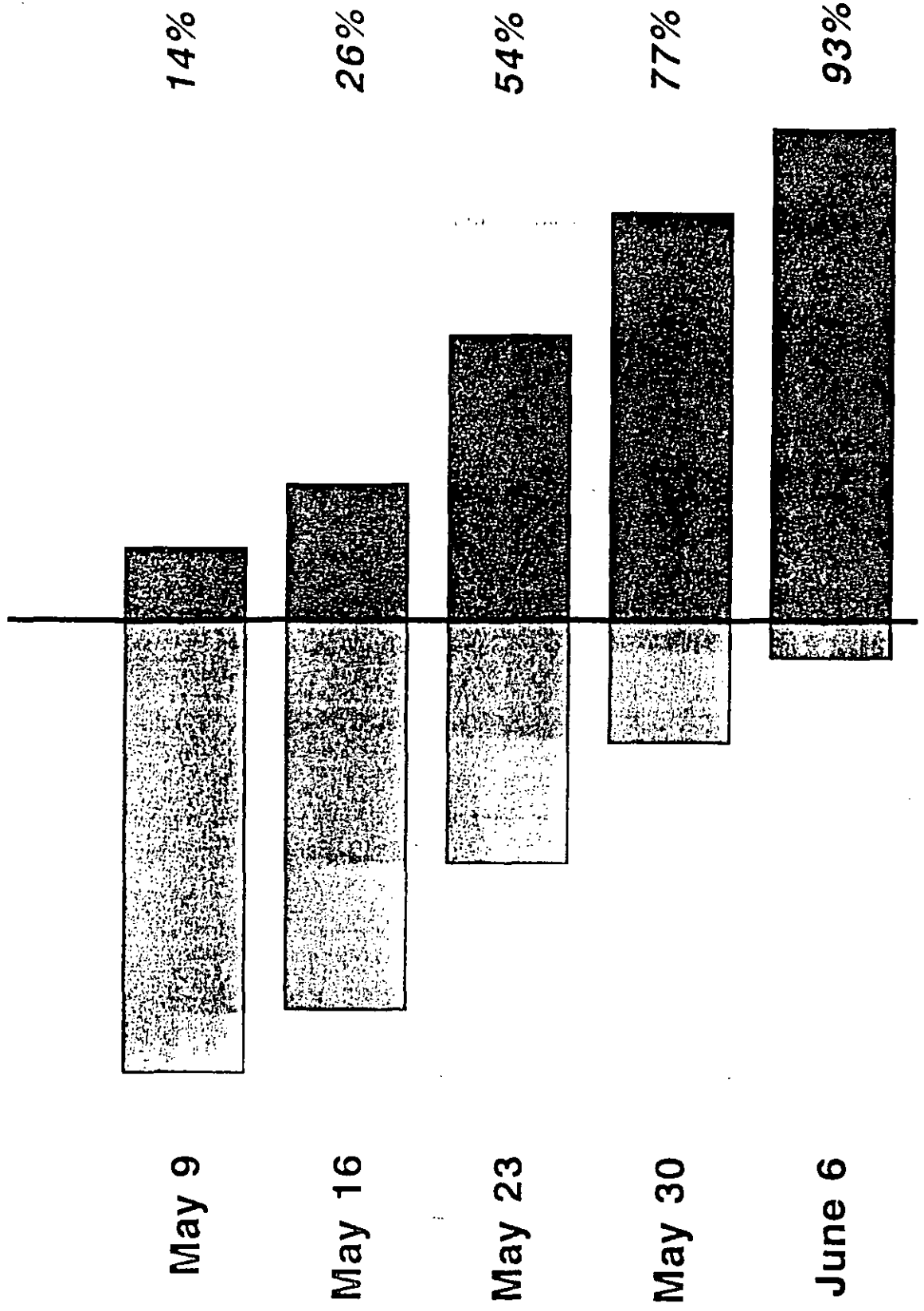






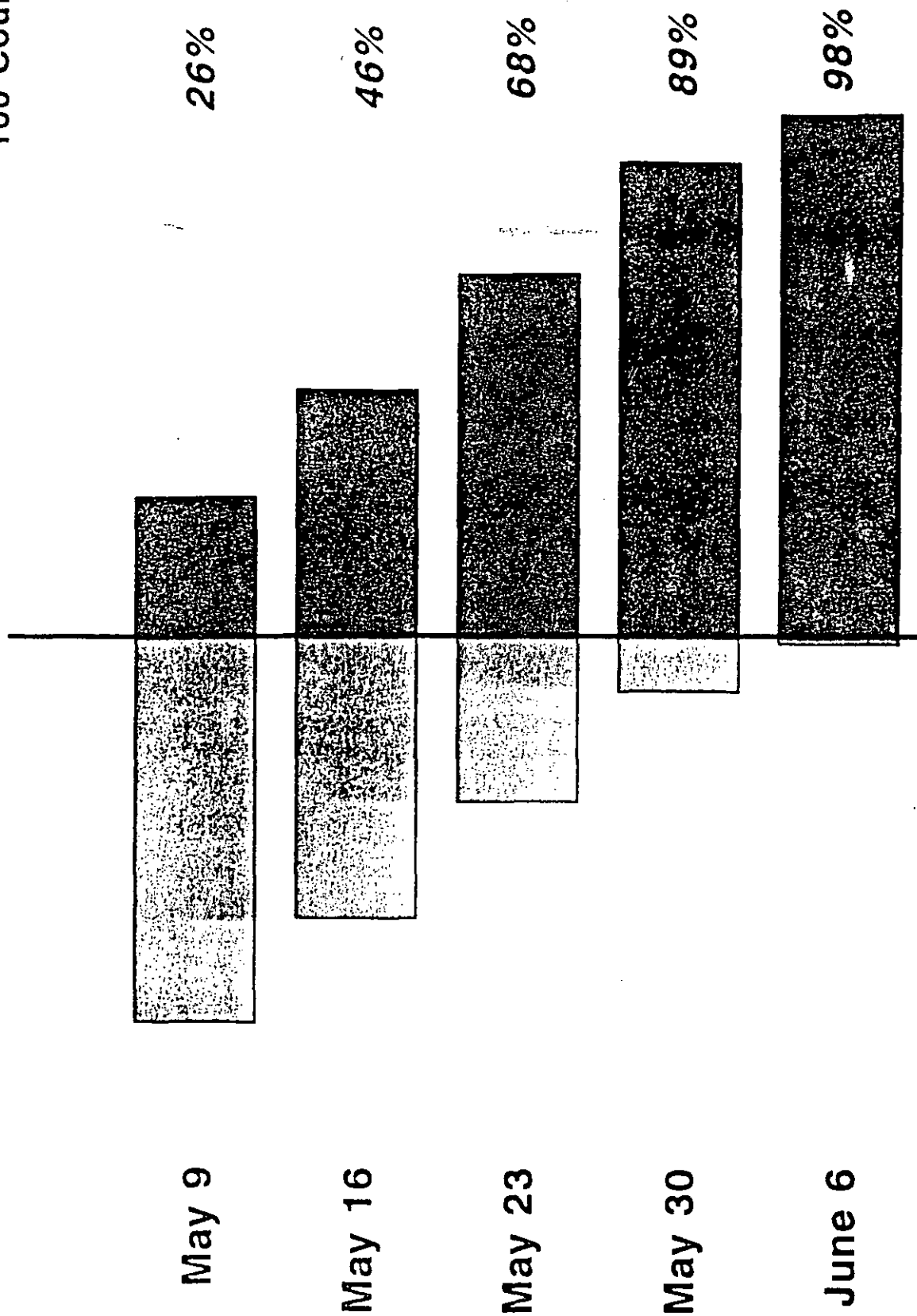
# ZONE 1 1994

Percent  
100 Count

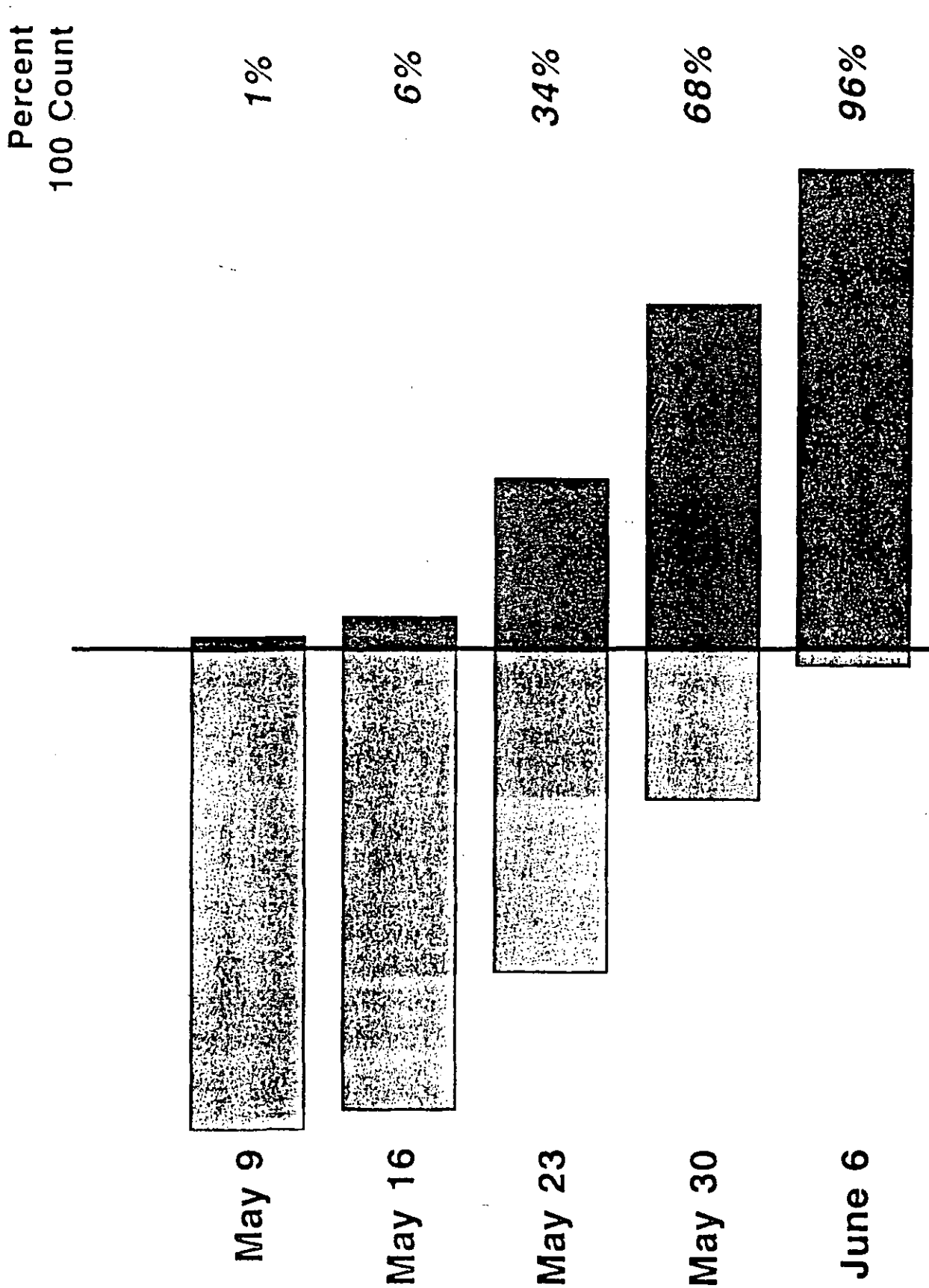


# ZONE 2 1994

Percent  
100 Count



# ZONE 3 1994



RESOLUTION

WHEREAS, the traditional management criteria used by the Louisiana Department of Wildlife and Fisheries in recommending the opening dates for the spring inshore shrimp season are based on the population of shrimp in each zone reaching such a size that 50% or more of the shrimp are 100 count per pound or larger, and

WHEREAS, the Commission has reviewed the biological and hydrological data presented by the Marine Fisheries Division and has reviewed public input,

THEREFORE BE IT RESOLVED, that the Commission hereby opens the spring inshore shrimp season in Zone 1 at 6 a.m. May 30, 1994, Zone 2 at 6 a.m. May 16, 1994 and in Zone 3 at 6 a.m. May 30, 1994.

BE IT FURTHER RESOLVED, that the Commission hereby opens that portion of the State's Territorial Waters from the eastern side of the Atchafalaya River Ship Channel to the western shore of Freshwater Bayou, at 6 a.m. May 16, 1994.

BE IT FURTHER RESOLVED, that the Commission hereby grants to the Secretary of the Department of Wildlife and Fisheries, the authority to close any portion of Louisiana's inshore waters to protect small white shrimp.

John F. "Jeff" Schneider  
Chairman

Joe L. Herring  
Secretary

DECLARATION OF EMERGENCY

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

WILDLIFE AND FISHERIES COMMISSION

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedures Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters and shall have the authority to open or close outside waters, the Wildlife and Fisheries Commission does hereby set the 1994 Spring Inshore Shrimp Season to open as follows:

Zone 1, that portion of Louisiana's inshore waters from the Mississippi State line to the eastern shore of South pass of the Mississippi River, to open at 6 a.m. \_\_\_\_\_, 1994, and

Zone 2, that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermillion Bay and Southwest Pass at Marsh Island, to open at 6 a.m. \_\_\_\_\_, 1994, and

Zone 3, that portion of Louisiana's inshore waters from the western shore of Vermillion Bay and Southwest Pass at Marsh Island westward to the Texas State Line, to open at 6 a.m. \_\_\_\_\_, 1994, and

Sets the opening of portion of Louisiana's Territorial Waters from the eastern side of the Atchafalaya River Ship Channel westward to the western shore of Freshwater Bayou, at 6 a.m. \_\_\_\_\_, 1994.

The Commission also hereby grants to the Secretary of the Department of Wildlife and Fisheries the authority to close any zone or portion of the State's waters to protect small white shrimp if biological and technical data indicates the need to do so, or enforcement problems develop.

John F. "Jeff" Schneider  
Chairman

Joe L. Herring  
Secretary

## RESOLUTION

The Louisiana Wildlife and Fisheries Commission after reviewing the Environmental Protection Agency's proposed rule to ban the production and distribution of lead fishing sinkers (40 CFR Part 745) hereby adopts the following resolution.

**Whereas,**

The documentation presented in the March 9, 1994 Federal Register (Volume 59, No. 46, pages 11123-11143) with the proposed rule makes reference to less than 100 dead birds (common loons, trumpeter swans, mute swans and one sandhill crane), nationwide, as probable mortalities from ingestion of lead sinkers; and

**Whereas,**

This appears to be an extremely small number of cases to make the radical changes proposed; and

**Whereas,**

Virtually no data are presented showing ingestion of lead sinkers in other species, such as diving ducks, cranes and herons, geese, raptors and scavengers; and

**Whereas,**

A paucity of data exist concerning the incidences of birds that actually ingest lead sinkers, and indeed if there really is a problem with a significant number of birds ingesting lead sinkers; and

**Whereas,**

Use of lead sinkers in offshore marine waters poses no problem to waterbirds; and

**Whereas,**

We are not in complete agreement with the philosophy that it is unnecessary to demonstrate population effects before taking regulatory action; and

**Whereas,**

There appear to be many areas in the country where ingestion of lead sinkers has not been documented to be a problem.

**Therefore be it resolved** that the Louisiana Wildlife and Fisheries Commission requests:

- 1) that the proposed rule be put in abeyance until more data can be collected through a cooperative study between States and Fish and Wildlife Service; and
- 2) more time be given to States to review reports and publications dealing with bird ingestion of fish lead sinkers; and
- 3) that the EPA honor the original request of petitioners to label lead fishing sinkers as potentially toxic to wildlife.

**Be it further resolved** that if a ban is deemed necessary sometime in the future, we request reconsideration of a geographic ban rather than a nation-wide ban.

---

John F. Schneider, Chairman

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters and shall have the authority to open or close open waters; and R.S. 56:6(25)(a) which allows the Wildlife and Fisheries Commission to promulgate rules and regulations to set seasons, times, places, etc. for all wildlife and fish, the Wildlife and Fisheries Commission does hereby set the 1994 Spring Inshore Shrimp Season to open as follows:

Zone 1, that portion of Louisiana's inshore waters from the Mississippi State Line to the eastern shore of South pass of the Mississippi River, to open at 6:00 a.m. May 30, 1994, and

Zone 2, that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, to open at 6:00 a.m. May 16, 1994, and

Shrimping is prohibited between official sunset and official sunrise in inshore waters as described in R.S. 56:495 from the western side of the Atchafalaya River channel to the western shore of Vermilion Bay excluding Southwest Pass south of a line drawn from the following points: 92°00.43' longitude by 29°36.69' latitude and 92°00.30' longitude by 29°36.29' latitude.

Zone 3, that portion of Louisiana's inshore waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island westward to the Texas State Line, to open at 6:00 a.m. May 30, 1994, and

Sets the opening of that portion of Louisiana's territorial waters from the eastern side of the Atchafalaya River Ship Channel westward to the western shore of Freshwater Bayou, at 6:00 a.m. May 16, 1994.

The Commission also hereby grants to the Secretary of the Department of Wildlife and Fisheries the authority to close any zone or portion of the State's waters to protect small white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop.

John F. "Jeff" Schneider  
Chairman



RESOLUTION

WHEREAS, the traditional management criteria used by the Louisiana Department of Wildlife and Fisheries in recommending the opening dates for the spring inshore shrimp season are based on the population of shrimp in each zone reaching such a size that 50% or more of the shrimp are 100 count per pound or larger, and

WHEREAS, the Commission has reviewed the biological and hydrological data presented by the Marine Fisheries Division and has reviewed public input,

THEREFORE BE IT RESOLVED, that the Commission hereby opens the spring inshore shrimp season in Zone 1 at 6 a.m. \_\_\_\_\_, 1994, Zone 2 at 6 a.m. \_\_\_\_\_, 1994 and in Zone 3 at 6 a.m. \_\_\_\_\_, 1994.

BE IT FURTHER RESOLVED, that the Commission hereby opens that portion of the State's Territorial Waters from the eastern side of the Atchafalaya River Ship Channel to the western shore of Freshwater Bayou, at 6 a.m. \_\_\_\_\_, 1994.

BE IT FURTHER RESOLVED, that the Commission hereby grants to the Secretary of the Department of Wildlife and Fisheries, the authority to close any portion of Louisiana's inshore waters to protect small white shrimp.



John F. "Jeff" Schneider  
Chairman

Joe L. Herring  
Secretary

**DECLARATION OF EMERGENCY**

**LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**

**WILDLIFE AND FISHERIES COMMISSION**

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedures Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters and shall have the authority to open or close outside waters, the Wildlife and Fisheries Commission does hereby set the 1994 Spring Inshore Shrimp Season to open as follows:

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Zone 3, that portion of Louisiana's inshore waters from the western shore of Vermillion Bay and Southwest Pass at Marsh Island westward to the Texas State Line, to open at 6 a.m. \_\_\_\_\_, 1994, and

Sets the opening of portion of Louisiana's Territorial Waters from the eastern side of the Atchafalaya River Ship Channel westward to the western shore of Freshwater Bayou, at 6 a.m. \_\_\_\_\_, 1994.

The Commission also hereby grants to the Secretary of the Department of Wildlife and Fisheries the authority to close any zone or portion of the State's waters to protect small white shrimp if biological and technical data indicates the need to do so, or enforcement problems develop.



John F. "Jeff" Schneider  
Chairman

Joe L. Herring  
Secretary

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters and shall have the authority to open or close open waters, the Wildlife and Fisheries Commission does hereby set the 1994 Spring Inshore Shrimp Season to open as follows:

Zone 1, that portion of Louisiana's inshore waters from the Mississippi State Line to the eastern shore of South pass of the Mississippi River, to open at 6:00 a.m. May 30, 1994, and

Zone 2, that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, to open at 6:00 a.m. May 16, 1994, and

Shrimping is prohibited between official sunset and official sunrise in <sup>inshore</sup> ~~inside~~ waters <sup>as described in R.S. 56:495</sup> from the western side of the Atchafalaya River channel to the western shore of Vermilion Bay excluding Southwest Pass south of a line drawn from the following points: 92°00.43' longitude by 29°36.69' latitude and 92°00.30' longitude by 29°36.29' latitude.

Zone 3, that portion of Louisiana's inshore waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island

westward to the Texas State Line, to open at 6:00 a.m. May 30, 1994, and

Sets the opening of <sup>that</sup> portion of Louisiana's Territorial Waters from the eastern side of the Atchafalaya River Ship Channel westward to the western shore of Freshwater Bayou, at 6:00 a.m. May 16, 1994.

The Commission also hereby grants to the Secretary of the Department of Wildlife and Fisheries the authority to close any zone or portion of the State's waters to protect small white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop.

John F. "Jeff" Schneider

Chairman

*is prohibited*

~~No~~ *official* shrimping *official* between sunset and sunrise in inside waters from the western side of the Atchafalaya River channel to western shore of Vermilion Bay excluding Southwest Pass south of a line drawn from the following points:

29°37.30'    EAST SIDE    29°37'18"

92°00.30'    92°00'18"

29°38.19'    WEST SIDE    29°38'11"

92°00.35'    92°00'21"

92°00.43' *longitude* ~~latitude~~ by 29°36.69' *latitude* ~~longitude~~  
92°00.30' *latitude* ~~longitude~~ by 29°36.29' *longitude* ~~latitude~~

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800  
April 27, 1994

Edwin W. Edwards  
Governor

## MEMORANDUM:

TO: Joe L. Herring, Secretary

FROM: Lee Caubarreaux, Assistant Secretary *LC*

SUBJECT: Aviation Report - March 1994  
Total hours listed are:

PILOT		TOTAL HOURS
G. Rackle	-	28.9
B. Stamey	-	15.7
M. Windham	-	1.7
D. Clause	-	31.1
TOTAL HOURS	-	77.40

-0- No Flights

PLANE	FLIGHT HOURS	ESTIMATED <sup>1</sup> COST(TOTAL)	ACTUAL <sup>2</sup> COST(TOTAL)	COMMISSION METHOD
N61092 Amphib	- 2.9	339.68	*13,053.65	605.96
70365 Float-DC	- 31.1	2,868.35	4,521.02	4,078.45
N2576K Float-MW	- <i>inspection</i> 1.7	218.57	2,399.24	
N9467Y 210	- 29.5	3,296.33	7,036.21	6,100.90
N223MS Partenavia	- 12.2	1,916.86	1,508.08	3,324.26
N57266 Aero Commander	- 0.0			
TOTALS	77.40	8,639.79	28,581.20	14,109.57

<sup>1</sup>Estimated Cost is based on an historical average per flight hour.

<sup>2</sup>Actual Cost substitutes actual maintenance for the month for the average maintenance costs used in the previous figure. This is the only figure used in the calculation of estimated costs that varies significantly from month to month.

\*Costs include repairs covered under insurance that is paid by the Office of Risk Management.

LGC:csg

cc: Debbie Unbehagen, Fiscal

MARCH 1994

## PLANE: N223MS (PARTENAVIA)

DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
03/07/94	Stamey	BR-LFT-HOUMA-BR: reposition of aircraft & maintenance	1.7	G. Rackle
03/15/94	Stamey	BR-NATCHITOCHES-BR: audit of Fed. shooting range	2.6	W. Kees
03/18/94	Stamey	BR-N CENTRAL LA-BR: survey of WMAs	3.3	J. Emfinger
03/28/94	Stamey	BR-AUBURN, AL: SE Fish Parasite & Disease conference	2.3	B. Fontenot
03/29/94	Stamey	AUBURN, AL-BR: return flight	2.3	B. Fontenot
		TOTAL	12.20	

## PLANE: N9467Y (210)

DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
03/07/94	Rackle	HOUMA-NO: return from Avionics shop	.4	-----
03/08/94	Rackle	NO-COASTAL-NO: DNR permits	1.5	T. Killeen
03/10/94	Rackle	NO-ROCKEFELLER-SHREVEPORT-NATCHEZ -NO-ROCKEFELLER-NO: eagle survey	7.5	T. Hess G. Perry
03/15/94	Rackle	NO-ROCKEFELLER-COASTAL-NO: waterfowl survey	4.4	T. Hess B. Wilson G. Perry
03/17/94	Rackle	NO-COASTAL-NO: DNR permits	1.4	R. Latapie T. Killeen
03/17/94	Rackle	NO-COASTAL-NO: pink shrimp survey	1.5	J. Burdon
03/18/94	Rackle	NO-BR-LCH-BR-NO: trip to Monroe aborted, mechanical problems	?	D. Arnoldi G. Perry P. Medley, LSU
03/22/94	Rackle	NO-BR-HOUMA-NO: maintenance & Avionics	1.4	-----
03/29/94	Rackle	NO-COASTAL-NO: pink shrimp season survey	2.5	J. Burdon
03/30/94	Rackle	NO-BR-LCH-MONROE-LCH-BR: alligator facility inspection	5.4	D. Arnoldi G. Perry P. Medley, LSU
03/31/94	Stamey	BR-HOUMA-LCH-S&SW COASTAL ZONE-BR: dredging operation survey	3.5	J. W. Smith
		TOTAL	29.50	

PLANE: N70365 (FLOAT-DC)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
03/07/94	Clause	NI-REG. 6, 5, 8-NI: 3 mile shrimp closure & gill net	3.0	G. Gremillion
03/08/94	Clause	NI-REG. 6-NI: 3 mile shrimp closure & gill net	2.0	-----
03/10/94	Clause	NI-REG. 5, 6, 8, 9-NI: 3 mile shrimp closure & gill net	3.0	G. Gremillion
03/11/94	Clause	NI-REG. 9, 8-NI: oyster, gill net	3.9	F. Travirca C. Pitre
03/15/94	Clause	NI-REG. 6-NI: turkey, check flooded area, Grassy lake	1.9	T. Vidrine P. Bizette
03/16/94	Clause	NI-REG. 6, 9, 8-NI: gill net, shrimp	4.8	G. Gremillion C. Pitre
03/17/94	Clause	NI-REG. 6, 9, 5-NI: gill net, shrimp, oyster	3.8	G. Gremillion G. Adams D. Fulmer
03/18/94	Clause	NI-LAKE FELICITY: crabs REG. 8-NI: gill net	1.8	J. Carter G. Adams
03/22/94	Clause	NI-REG. 6: enforcement -REG. 9, 5-NI: gill net	1.1	-----
03/29/94	Clause	NI-REG. 9, 8, 6-NI: gillnet	3.5	J. Carter
03/30/94	Clause	NI-LUMCON & COCODRIE: inventory	2.3	B. Spillman
		TOTAL	31.10	
PLANE: N61092 (AMPHIB)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
03/07/94	Rackle	NO-BR-LFT: drop off aircraft for inspection	1.0	-----
03/30/94	Rackle	LFT-LOCAL-NO: return from inspection	1.9	-----
		TOTAL	2.90	
PLANE: N2576K (FLOAT-MW)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
03/04/94	Windham	NO-PASS-A-LOUTRE WMA-NO: review Freeport	1.7	none



PLANE: N25766 (AERO COMMANDER)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
		no flights		

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

May 11, 1994

Colonel Stanley J. Phernambucq, Commander  
U.S. Army Engineer District, Vicksburg  
2101 North Frontage Road  
Vicksburg, MS 39180-5191  
ATTN: CELMK-PD-Q (Mr. Gary Young)

RE: West Pearl River Navigation Project Final Environmental Impact  
Statement (FEIS)

Dear Sir:

Personnel of the Louisiana Department of Wildlife and Fisheries have reviewed the above referenced FEIS and offer the following comments on the alternatives.

ALTERNATIVE 1 requires no comment. This is our preferred alternative.

ALTERNATIVE 2: It is stated in the FEIS that, "If the lower portion of the river is mined for sand and gravel, sufficient restrictions would be placed on the mining operations to protect the natural and scenic qualities of the stream." Our question is, by whom will the restrictions be imposed? Since the West Pearl is a Scenic River, the Department of Wildlife and Fisheries cannot permit the mining unless it is done by the Corps for the purpose of navigation or flood control. Additionally, there are no conditions that can be placed in any type of permit imposing restrictions that can 'hide' a dredge, barges or stockpiles of material, all of which impact the natural and scenic qualities of a stream. Only the absence of dredges will provide some measure of protection of wilderness quality and scenic values. Additionally, the Department of Wildlife and Fisheries regulates the removal of fill material from state owned water bottoms for the purposes of severance royalty collection, not environmental protection. Other state statutes pertaining to mining do not address visual impacts, nor does Section 10 or 404.

The document also states that hydraulic dredging will be done in a manner to minimize adverse environmental impacts. Hydraulic dredging totally disrupts the bottom being dredged. There are no 'degrees' of damage as a result of dredging. It is either damaged or it is not. We assume that the minimization of damages referred to is related to the assertion that the entire river will not be dredged. Additionally, placement of dredge material on the Pearl River Wildlife Management Area is no longer a disposal option. The Department did discuss the possibility of spoil disposal on the management area, and our personnel did indicate certain sites where such disposal might prove to be beneficial, but no formal agreement was executed between the Corps and the Department for such disposal of spoil.

We are also concerned that the disposal of spoil over the Bogue Chitto sill at the Navigation Channel could contribute to additional silting of the main stem of the West Pearl River at Wilson Slough (also a Scenic River). We acknowledge that the FEIS states that the heavier material are expected to deposit in the channel within the first mile of the Bogue Chitto below the sill, but how will the deposits react to subsequent high flows when dredging is not taking place? Will they remain in place forever, or will they be translated further downstream at each subsequent high water? Will sediment from each maintenance dredging event be deposited in the same location each time?

In the discussion of the mitigation measures, which are all terrestrial although the vast majority of the damages will be aquatic, there is a statement that, "Land acquisition will be from willing sellers." The word "will" indicates that this is an absolute requirement, and infers that if willing sellers are not found, mitigation will not be accomplished.

ALTERNATIVE 3: The discussion of alternative 2 also applies to alternative 3. Note once again that spoil disposal on the Pearl River WMA is not an option. Land acquisition, reforestation and creation of wet soil management areas are excellent mitigation measures for alteration of terrestrial and wetland habitats. However, those types of mitigation measures will not compensate for damage or alteration of aquatic habitats. Even the creation of lacustrine habitat will not reproduce riverine units. We understand that riverine mitigation is extremely difficult to accomplish, as riverine mitigation usually requires the re-creation of conditions in the stream that are generally those cited as cause for dredging in the first place. However, if the damage is avoided by not altering the stream, mitigation becomes unnecessary.

Col. Phernambucq  
May 11, 1994  
Page -3-

As indicated in our response to the US Fish and Wildlife Service's Fish and Wildlife Coordination Act Report and Section 7 Biological Opinion, (Appendix F, FEIS), the Department of Wildlife and Fisheries is not in total agreement with that agency on the level or acceptability of impacts to rare, threatened, or endangered species in the West Pearl River. Fish and wildlife resources of the Pearl River will be adversely impacted by the project. There will be absolutely no positive impacts on the biological community of the West Pearl River if this project is conducted. From a biological and ecological perspective this project can do nothing but harm. Therefore, because all of the negative, environmental impacts of this project will be imposed upon the resources for which the Louisiana Department of Wildlife and Fisheries has responsibility, and all of the presumed, positive impacts will accrue to areas outside of our purview, and, since most of the negative impacts will accrue to aquatic resources while the proposed mitigation is terrestrial in nature, we must voice our objection and opposition to the implementation of the West Pearl River Navigation Project and subsequent maintenance of the navigation channel.

Sincerely,

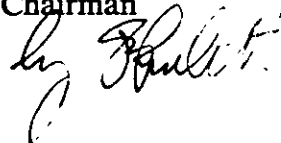


Joe L. Herring  
Secretary



John F. "Jeff" Schneider  
Commission Chairman

JLH/MBW/mw



**RESOLUTION OF THE  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

At their regular monthly meeting held at the Landmark Hotel in Metairie, Louisiana of the 5th day of May, 1994, the Louisiana Wildlife and Fisheries Commission passed the following resolution.

**WHEREAS:** Personnel of the Louisiana Wildlife and Fisheries Commission have reviewed the West Pearl River Navigation Project Final Environmental Impact Statement (FEIS); and

**WHEREAS:** Three alternative actions were proposed, and;

**WHEREAS:** ALTERNATIVE 1 (No Action) requires no comment, and is our preferred alternative, and;

**WHEREAS:** ALTERNATIVE 2 is the Corps recommended alternative, and;

**WHEREAS:** It is stated in the FEIS that , "If the lower portion of the river is mined for sand and gravel, sufficient restrictions would be placed on the mining operations to protect the natural and scenic qualities of the stream.", and;

**WHEREAS:** It is unclear by whom the restrictions will be imposed, and;

**WHEREAS:** The West Pearl is a Scenic River, and the Department of Wildlife and Fisheries cannot permit the mining unless it is done by the Corps for the purpose of navigation or flood control, and;

**WHEREAS:** There are no restrictions that can 'hide' a dredge, barges or stockpiles of material, all of which impact the natural and scenic qualities of a stream, and only the absence of dredges will provide some measure of protection of wilderness quality and scenic values, and;

**WHEREAS:** The Department of Wildlife and Fisheries regulates the removal of fill material from state owned water bottoms for the purposes of severance royalty collection, not environmental protection, and;

**WHEREAS:** The FEIS states that hydraulic dredging will be done in a manner to minimize adverse environmental impacts, and;

**WHEREAS:** Hydraulic dredging totally disrupts the bottom being dredged. There are no 'degrees' of damage as a result of dredging. It is either damaged or it is not. We assume that the minimization of damages referred to is related to the assertion that the entire river will not be dredged, and;

**WHEREAS:** Placement of dredge material on the Pearl River Wildlife Management Area is no longer a disposal option. The Department did discuss the possibility of spoil disposal on the management area, and our personnel did indicate certain sites where such disposal might prove to be beneficial, but no formal agreement was executed between the Corps and the Department for such disposal of spoil, and;

**WHEREAS:** We are also concerned that the disposal of spoil over the Bogue Chitto sill at the Navigation Channel could contribute to additional silting of the main stem of the West Pearl River at Wilson Slough (also a Scenic River). We acknowledge that the FEIS states that the heavier materials are expected to deposit in the channel within the first mile of the Bogue Chitto below the sill, but we question how the deposits will react to subsequent high flows when dredging is not taking place, are convinced that they will not remain in place forever, but will they be translated further downstream at each subsequent high water. Additionally, we are not convinced that the sediment from each maintenance dredging event will deposit in the same location each time, and;

**WHEREAS:** In the discussion of the mitigation measures, which are all terrestrial, there is a statement that, "Land acquisition will be from willing sellers." The word "will" indicates that this is an absolute requirement, and infers that if willing sellers are not found, mitigation will not be accomplished, and;

**WHEREAS:** The reservations that we have about alternative 2 also apply Alternative 3, and;

**WHEREAS:** In response to the US Fish and Wildlife Service's Fish and Wildlife Coordination Act Report and Section 7 Biological Opinion, (included as Appendix F in the FEIS) the Department of Wildlife and Fisheries is not in total agreement with that agency on the acceptability of impacts to rare, threatened, or endangered species in the West Pearl River, and;

**WHEREAS:** Fish and wildlife resources of the Pearl River will be adversely impacted by the project, and;

**WHEREAS:** There will be absolutely no positive impacts on the biological community of the West Pearl River if this project is conducted, and from a biological and ecological perspective this project can do nothing but harm, and;

**WHEREAS:** All of the negative, environmental impacts of this project will be imposed upon the resources for which the Louisiana Wildlife and Fisheries Commission has responsibility, and all of the presumed, positive impacts will accrue to areas outside of our purview.

**THEREFORE BE IT RESOLVED:**


that the Louisiana Wildlife and Fisheries Commission voices objection to, and opposes the implementation of the West Pearl River Navigation Project and subsequent maintenance of the new, navigation channel.

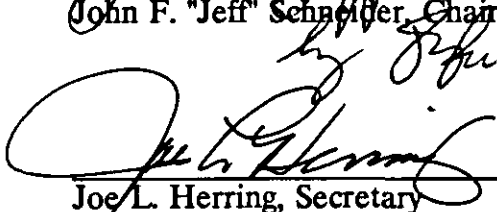
**BE IT FURTHER RESOLVED:**

that this resolution be forwarded to the U.S. Army Corps of Engineers, Vicksburg District, and;

**BE IT FURTHER RESOLVED:**

that the Commission requests, that in addition to this resolution, the Secretary of the Department of Wildlife and Fisheries provide a letter to the U.S. Army Corps of Engineers, Vicksburg District for signatures of the Chairman of the Commission and the Secretary of the Department opposing the proposed West Pearl River Navigation Project.

  
John F. "Jeff" Schneider, Chairman

  
Joe L. Herring, Secretary

Mr. Herring:

Enclosed are the Resolution and Letter on the West Pearl River Navigation Project that was discussed last week at the Commission Meeting. Mr. Schneider will be in the office next week to sign these items.

Thank you.

Susan Hawkins



**RESOLUTION OF THE  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

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**WHEREAS:** It is stated in the FEIS that , "If the lower portion of the river is mined for sand and gravel, sufficient restrictions would be placed on the mining operations to protect the natural and scenic qualities of the stream.", and;

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**WHEREAS:** Hydraulic dredging totally disrupts the bottom being dredged. There are no 'degrees' of damage as a result of dredging. It is either damaged or it is not. We assume that the minimization of damages referred to is related to the assertion that the entire river will not be dredged, and;

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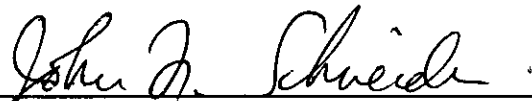
**WHEREAS:** Fish and wildlife resources of the Pearl River will be adversely impacted by the project, and;

**WHEREAS:** There will be absolutely no positive impacts on the biological community of the West Pearl River if this project is conducted, and from a biological and ecological perspective this project can do nothing by harm, and;

**WHEREAS:** Because all of the negative, environmental impacts of this project will be imposed upon the resources for which the Louisiana Wildlife and Fisheries Commission has responsibility, and all of the presumed, positive impacts will accrue to areas outside of our purview,

**THEREFORE BE IT RESOLVED:**

that the Louisiana Wildlife and Fisheries Commission voices objection to, and opposes the implementation of the navigation project and subsequent maintenance of the navigation channel.

  
\_\_\_\_\_  
John F. "Jeff" Schneider, Chairman

# State of Louisiana




Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800  
May 2, 1994

Edwin W. Edwards  
Governor

## MEMORANDUM

TO: Commission Members and Mr. Herring

FROM:  Tommy Prickett, Assistant Administrator, Wildlife Division

SUBJECT: Archery Season and Evangeline Parish Either Sex

In light of the number of letters received on the archery extension issue I asked Dave Moreland to revisit the subject with our staff. His comments are attached for your review and will be presented at the New Orleans meeting Thursday for your consideration.

The other issue I would like to bring up at the New Orleans meeting is the request to reduce the number of doe days in Evangeline Parish. Representative Dirk Deville and some of his constituents asked for this at an earlier meeting. Senator Don Hines asked for the same in phone conversations. Mr. Herring, the Enforcement Division and John Robinette have attended annual meetings with northern Evangeline Parish hunters who have asked for the reduction for a few years now. Excessive hunting pressure and illegal kill have been identified as the limiting factors on that portion of Crowell land north of Highway 106 (see attached report and map). Provided the Enforcement Division supports the reduction and can enforce same, my recommendation is to reduce the number of antlerless days from six to two north of Hwy. 106 on private unposted Crowell Lumber Company lands in Evangeline Parish.

This is not a major change. It is, however, precedent setting in that we have not in the past set different bag limits on season dates for "open land" and "posted land". Rest assured that more requests will follow.

TP:sd

cc: Lee Caubarreux  
Hugh Bateman  
Dave Moreland  
John Robinette  
Winton Vidrine

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800  
April 29, 1994

Edwin W. Edwards  
Governor

## M E M O R A N D U M

TO: Tommy Prickett, Assistant Administrator, Wildlife Division  
FROM: David Moreland, Deer Study Leader *David Moreland*  
SUBJECT: 1994/95 Archery Season

As requested, I have reviewed various archery season options with the district supervisors. The following is our recommendation and the reasons for it.

The main push for an extended archery season is coming from the Bayou State Bowhunters Association. I have just completed the 93/94 Harvest Survey comments and while there was support for a later season, there were many comments about having an earlier season before the squirrel hunters get into the woods. It is apparent that the October 1st opening is important to our bowhunters.

The bowhunter organization states that our neighbor states of Arkansas, Mississippi and Alabama allow archery hunting through the month of January. They did not mention Texas which borders Louisiana on the west and whose eastern pineywoods are similar to Louisiana. The season in Alabama does go to January 31, but it opens on October 15. The first 15 days of the Mississippi bow season is for forked antlered bucks only, October 1-15. The last segment of the archery only season does run through January 31. Arkansas allows bow hunting from October 1 to January 31 in one zone and from October 1 - February 28 in all other zones. Texas has an archery season only during the month of October. Bowhunters can bow hunt during the gun season and two areas in south Texas are open until January 30 for deer hunting.

Our recommended dates to the Commission for the 1994/95 archery season are October 1 - January 22. These dates provide for 114 days of hunting and maintains a statewide universal opening and closing date. This season provides hunting during the peak times of rut in all areas of the state. This has basically been the season structure for many years and has provided sufficient time for an adequate harvest of deer. The 92/93 bow harvest was 22,600 and the hunter success rate was 29% (1 out of every 3 hunters killed a deer). This harvest and hunter success is similar to that found in other southeastern states.

There are weaknesses in this season structure. Spotted fawns are present in areas 1,4,6 and 8 when the season opens on October 1. This was the main reason that Mississippi has delayed shooting antlerless deer during the first two weeks of October. The early opening, however, is needed in areas 2,3, and 7. A January 31st closing date is good for areas 1,4,6 and 8 because the deer are in the final phase of the rut, but in areas 3 and most of 2 the rut is over and the bucks are losing or have lost their antlers.

If the Commission feels that this season is not acceptable and is led to respond to this request for an extension of the archery season, our recommendation would be to establish two zones in the state with different dates (same number of days). Most of the districts would prefer to do this rather than just adding additional days and compounding a poor hunting situation in one portion of the state.

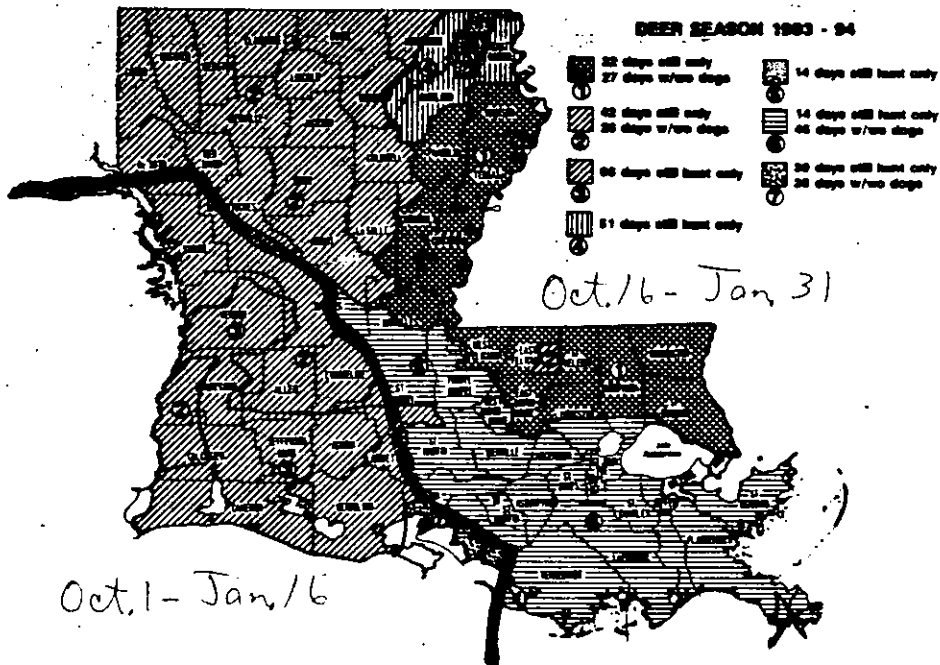
Zones would be similar to the present areas except for northwest Louisiana. There is strong support in this portion of the state for a later season, so area 2 would have to be divided. Basically, areas 3, 7 and part of 2 would be in the early zone October 1 - January 16 and areas 1,4,5,6, 8 and part of 2 would be in the later zone, October 16 - January 31. Both zones would have 108 days of hunting.

DM:jh

cc. Hugh Bateman  
Dave Morrison  
Larry Soileau

# OPTION 2

## Archery Season 1994-95



southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi line, south of the Mississippi line from the Pearl River westward to La. 21. Also that portion of St. Tammany Parish north of La. 22 from U.S. 190 to La. 1077, east of La. 1077 northward to jct. with U.S. 190, south and west of U.S. 190 from La. 1077 to jct. with La. 22.

**West Feliciana** - West of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the jct. of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

### AREA 1 EITHER SEX HUNTING

CONCORDIA, EAST BATON ROUGE, MADISON, ST. HELENA, TENSAS, WASHINGTON, and WEST FELICIANA:

Five days, Nov. 20, Nov. 26-27, and Dec. 11-12.

**AVOYELLES:**

One day, Nov. 26 in that portion within Area 1.

**FRANKLIN:**

Two days, Nov. 20 and Nov. 26, east of La. 17, south of Martin Road 5530, west of Bayou Macon, and Cut-Off No. 3, north of Parish Road 5504 (Bakers Road).

EAST FELICIANA, LIVINGSTON, ST. TAMMANY, and TANGIPAHOA:

Five days, Nov. 20, Nov. 26-27, and Dec. 11-12, in those portions within

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
1213 North Lakeshore Drive  
Lake Charles, LA 70601  
(318) 491-2575

Edwin W. Edwards  
Governor

March 24, 1994

## MEMORANDUM:

TO: Tommy Prickett, Asst. Administrator, Wildlife Div.

FROM: John B. Robinette, District V Wildlife Supervisor *JBR*

SUBJECT: Evangeline Parish Either-Sex Deer Hunting Seasons

Evangeline Parish is located in south central Louisiana. The total area of this parish is 427,325 acres. The soils and the water areas of the parish furnish suitable habitat for many kinds of wildlife and fish. Wildlife species associated with woodland are found in the northern portions of the parish and in wooded areas along drainage ways in the southern part. Openland wildlife are most abundant in the southern prairie portion of the parish. The level of the game populations depends on the amount and quality of available habitat.

The southern portion of the parish, 50 percent, consists of natural prairie land. Agricultural crops, primarily rice, soybeans, and sweet potatoes are grown on 204,412 acres. Deer populations are low through-out most of this part of the parish, due to lack of suitable habitat.

Commercial forests covers 48 percent of the parish. The total acreage of woodlands in the parish is 200,600 acres with most being owned by private timber companies. Pines make up the major part of the marketable timber, but timber areas would be considered mixed pine-hardwoods. Deer populations range from low to high depending on habitat.

Deer populations are low within portions of the parish mainly because of the attitudes of the people within given areas of the parish. The illegal killing of deer annually in some areas have reduced deer populations and the deer herds will continue to be below carrying capacity in those areas of the parish until the attitudes of the people change.

The Louisiana Department of Wildlife and Fisheries has received a request to reduce the number of either-sex deer hunting days in northern portion of Evangeline Parish near the community of Turkey



Creek. The property, approximately 40,000 acres, is owned by Crowell Lumber Company which consists of rolling hills of mixed pine-hardwoods. Deer range surveys indicate adequate habitat to support a deer density of one deer per 30 acres. This property is open to the general public for hunting. Deer populations are at carrying capacity over most of the area. In some portions of this area the deer populations are low due to illegal harvest of deer, while in other portions the deer populations are high. Numerous complaints have been received by LDWF from local farmers, which surround this area, regarding crop damage by deer. Several of these farmers are spraying crops twice each spring with "Hinder" a chemical used to repel deer from agricultural crops. The cost to each farmer is approximately \$8.00 per acre. The LDWF also responded to 12 vehicular/deer accidents on HWY 106, 115 and U.S. 167 in 1993.

Private hunting clubs located around this property participate in the Department's Deer Management Assistance Program (DMAP). These clubs have harvested collectively:

Year	Deer/Acres
1990-91	1 deer/ 112 acres
1991-92	1 deer/ 144 acres
1992-93	1 deer/ 102 acres

One hunting club's average harvest over three years has been 1 deer/66 acres.

This is better than many of the parishes around the State.

Parish	Year	Deer/Acres
Allen	1992-93	Insufficient Data
Beauregard	1992-93	1 deer/ 369 acres
Calcasieu	1992-93	1 deer/ 263 acres
Cameron	1992-93	1 deer/ 165 acres
Jeff. Davis	1992-93	1 deer/ 158 acres
Vermilion	1992-93	1 deer/ 119 acres

(Data collected from District V DMAP program.)

Several new private hunting clubs in northern Evangeline Parish will enroll into the DMAP program for 1994. These hunting clubs have reduced illegal deer killing and are, now, trying to reduce their expanding deer populations in order to produce better quality deer while preventing over population conditions.

From the data and information received from this parish pertaining to deer habitat, deer populations, and crop damage by deer, indicates that most of Evangeline Parish deer habitat supports an adequate deer population. The numbers of either-sex deer hunting days is justified for the management of deer population within this parish. The reduction of legal either-sex deer hunting would not

have any positive effect on the deer population of the parish. Furthermore, closing or reducing the either-sex deer hunting on Crowell Lumber Company property would be impractical. It would be difficult in describing boundary lines which would not effect other land owners and would be impossible to enforce.

The deer habitats in Evangeline Parish can and does support good deer populations. If the sportsmen who hunt in this parish, follow the deer hunting guidelines, rules, and regulations, the deer population should remain constance. With their help, reducing the illegal killing of deer will have a greater impact on deer populations and not impeded the honest law abiding sportsmen of Evangeline Parish.

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
TRAFFIC AND PLANNING DIVISION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

METAIRIE, LOUISIANA

MAY 5, 1994

RESOLUTION

WHEREAS the recommendations of the Minerals Committee, Counsel and staff having been considered.

THEREFORE BE IT RESOLVED that this Commission does hereby adopt the recommendations of the Mineral Committee with regard to the lease form and bid package and specifically adopts the tracts which are described in the lease document and indicated by Department plats.

BE IT FURTHER RESOLVED that this Commission does hereby instruct the Secretary and staff to carry out all necessary acts for the approval of the lease form including, but not limited to, submission of the lease form to the Mineral Board.

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Chairman to make such changes to the lease form and bid package as may be requested by the Mineral Board, or recommended by staff.

  
\_\_\_\_\_  
CHAIRMAN

  
\_\_\_\_\_  
SECRETARY

MAY 5, 1994

\_\_\_\_\_  
DATE

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

METAIRIE, LOUISIANA

MAY 5, 1994

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\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
DATE

SHELL DREDGING LEASES  
SPECIAL INSTRUCTIONS

1. For general instructions, see Notice of Publication.
2. For tract description, see Notice of Publication and map attached to lease form.
3. Portion of tract bid:

If a lease is awarded based on a portion of a tract, the guaranteed annual minimum royalty and performance bond amounts will be reduced proportionally, based strictly on the number of acres in the tract. If, for example, a bid is submitted on a portion of a tract, which, for the sake of simplicity, contains exactly one-half the acreage of the whole of the tract, then the guaranteed annual minimum royalty and performance bond amounts shall be reduced in the lease to \_\_\_\_\_ and \_\_\_\_\_ respectively, rather than \_\_\_\_\_ and \_\_\_\_\_ which would be required if the whole tract were bid. (The performance bond amount represents three (3) times the guaranteed annual minimum royalty.)

This will, of course, necessarily affect the bid bond amount which is five percent (5%) of the performance bond amount. Thus, in the above example the bid bond for the portion would be \_\_\_\_\_, rather than \_\_\_\_\_ which would be required if the whole tract were bid.

An example of how this was computed, using the above hypothetical with regard to Tract 1 is as follows:

1. Entire tract:  
\_\_\_\_\_ acres - \_\_\_\_\_ guaranteed annual minimum royalty.
2. Portion bid submitted for \_\_\_\_\_ acres, exactly half of the entire acreage of tract.
3. Thus, the guaranteed annual minimum royalty is reduced by one half, or \_\_\_\_\_.
4. This amount is multiplied by three (3) [the term of the lease in years] to arrive at \_\_\_\_\_, the amount of the performance bond.
5. This amount is then multiplied by five percent (5%) to arrive at \_\_\_\_\_ the amount of the bid bond (or cash payment).

The bidder should perform these computations before bidding, particularly as the bid bond or cash payment must be submitted with the bid. Obviously, the bidder should take great care in computing the correct acreage of any portion bid as this acreage figure will directly affect the amount of the bid bond required.

Bidders are required to indicate on the bid form the approximate number of acres in the portion of the tract bid upon. When portion bids are received, the Department will independently confirm the bidder's estimation of acreage, using the transparent plat submitted by the bidder. The Department will further confirm that the bid bond submitted is of a sufficient amount for the acreage bid upon.

ANY BID BOND SUBMITTED TOTALING LESS THAN NINETY PERCENT (90%) OF THE AMOUNT REQUIRED, BASED UPON THE DEPARTMENT'S ACREAGE DETERMINATION, WILL RESULT

IN AUTOMATIC REJECTION OF THE BID.

When a portion bid has been accepted by the Commission as the successful bid, and there is a difference between the Department's acreage determination and the bidder's (which is not within the acceptable margin of error for such determinations), then the Department's acreage determination shall prevail for purposes of the lease, specifically the property description, guaranteed annual minimum royalty and performance bond.

4. Bidding.

Each bid should be placed in a separate sealed envelope, which should then be placed into a larger envelope, addressed and forwarded to the Louisiana Department of Wildlife and Fisheries, Post Office Box 98000, Baton Rouge, Louisiana 70898-9000 ATTENTION: UNDERSECRETARY, by REGISTERED or CERTIFIED mail, or by hand delivery to the Department's offices at 2000 Quail Drive, Baton Rouge, Louisiana, Room 248, with a notation thereon to the effect that a sealed bid is enclosed. A bid may cover all or any portion of the tract advertised. The Commission has authority to accept the bid most advantageous to the State, may reject any and all bids, or may lease a lesser quantity of property than advertised and withdraw the rest. If a joint bid is submitted the UNDIVIDED INTEREST OF EACH PARTY should be designated on the bid in order that the proportionate interest of each bidder may be stipulated in the lease contract.

NOTE: For the convenience of the Commission and in order to eliminate errors, the address of each company should be designated on the Bid form for clarification in typing the lease contract.

The minimum acceptable bid is a royalty of \_\_\_\_\_ of the "selling price of the shell produced," which is defined as the price of the shell FOB dredge site, exclusive of any transportation costs; be it further provided that for bidding purposes, and throughout the term of the lease(s), the minimum acceptable bid for the "selling price of the shell produced" is \_\_\_\_\_ per cubic yard.

Bidders may submit bids which are equal to or greater than either or both the minimum fractional portion \_\_\_\_\_ and the minimum "selling price of the shell produced" (\_\_\_\_\_). Award of bids shall be based upon a mathematical computation of these two figures. For example, Bidder A submits a bid of one-seventh (\_\_\_\_) of a minimum "selling price" of \_\_\_\_\_. Bidder B submits a bid of one sixth (\_\_\_\_) of a minimum "selling price" of \_\_\_\_\_. In this example, Bidder B is deemed to be the higher bidder as his bid would yield a royalty of \_\_\_\_\_ as opposed to Bidder A, whose bid would yield a royalty of \_\_\_\_\_.

Calculated values shall be rounded as follows: 5/10 of a cent and greater - up to the next whole cent; less than 5/10 of a cent - down to the next whole cent.

The term of the lease shall be three (3) years.

The bidder must enclose an executed bid bond or CERTIFIED CHECK, CASHIER'S CHECK or BANK MONEY ORDER with the bid in an amount equal to five percent (5%) of the performance bond amount payable to the Louisiana Department of Wildlife

and Fisheries.

The bid bond, certified check, cashier's check or bank money order for the amount of the cash payment is forfeited in the event the bid is accepted and the bidder or bidders fail to enter into a written contract within twenty (20) days after such lease is submitted to lessee for execution; provided, however, that in the case of a successful bidder who has applied for all necessary and applicable permits but who has not received all necessary and applicable permits by the end of the twenty (20) day period, the Secretary may, in his discretion (a) extend this twenty (20) day period and/or (b) waive the forfeiture of all or part of the bid bond. In the event the bid is rejected, the said check shall be returned, or the bid bond shall be voided.



NOTICE OF PUBLICATION  
OFFICE OF MINERAL RESOURCES  
ON BEHALF OF THE WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA 70821

By virtue of and in conformity with the provisions of Sub-part A of Chapter 2, Title 30 of the Louisiana Revised Statutes of 1950, as amended, R.S. 56:441, and other applicable laws, sealed bids will be received in the Louisiana Wildlife and Fisheries Commission office located at 2000 Quail Drive, Baton Rouge, Louisiana 70808 on or before the \_\_\_\_ day of \_\_\_\_\_, 1994 at 2:00 p.m., for leases to explore, dredge for and produce fossil shells and fossil shell deposits on the following described tracts at which time and date the bids will be opened publicly in the Louisiana Room, Louisiana Wildlife and Fisheries Commission, 2000 Quail Drive, Baton Rouge, Louisiana 70808. The successful bidder(s) will be formally selected by the Louisiana Wildlife and Fisheries Commission at its regularly scheduled \_\_\_\_\_, 1994 meeting.

All bids are to offer a royalty for leases having a primary term which shall not exceed three (3) years, which leases are to be granted without any warranty or recourse against lessor whatsoever, either expressed or implied, not even for return by lessor of any payments received under the lease or being otherwise responsible to LESSEE. The MINIMUM ACCEPTABLE ROYALTY BID as set by the Louisiana Wildlife and Fisheries Commission is \_\_\_\_\_ (\_\_\_\_) of the "selling price of the shell produced," which is defined as the price of the shell FOB dredge site, exclusive of any transportation costs; be it further provided that for bidding purposes, and throughout the term of the lease(s), the minimum acceptable bid for the "selling price of the shell produced" is \_\_\_\_\_ (\_\_\_\_) per cubic yard. A bid of a royalty less than the aforesaid minimum will be increased to said minimum by the Commission. All bidders are notified that the Commission does not obligate itself to accept a bid

which offers the aforesaid minimum, but reserves the right to accept a bid which offers in excess of the minimum and is considered most advantageous to the State of Louisiana. Bidders may submit bids which are equal to or greater than either or both the minimum fractional portion (\_\_\_\_) and the minimum "selling price of the shell produced" (\_\_\_\_).

The provisions of this notice or advertisement and the relevant statutes establish the material considerations necessary for the formulation of proper bids, and this notice or advertisement shall not be deemed to be modified, enlarged or diminished by resolutions or policy expressions of the Commission not incorporated herein expressly or by reference.

Copies of the proposed lease are available to any interested bidders at the Office of the Undersecretary, Department of Wildlife and Fisheries prior to the opening of the bids on the tract, and prospective bidders should carefully examine the same prior to submitting any bid therefor.

The lease tract is situated in the Louisiana Coastal Zone as defined by Act 361 of 1978 (LSA R.S. 49:213), and as such is subject to the guidelines and regulations promulgated by the Coastal Management Section of the Department of Natural Resources. Further, the tract is subject to review and permitting by the United States Army, Corps of Engineers, and may be subject to the review, guidelines, regulations and permits of other state and federal agencies.

All leases awarded shall be executed upon terms and conditions provided in the current State lease forms, including, but not limited to, provisions as follows: Should LESSEE fail to begin the actual dredging on the lease premises within ninety (90) days from the date of the lease, the lease may terminate as to both parties to the lease; provided, however that the Louisiana Wildlife and Fisheries Commission may extend this period if LESSEE'S failure to begin dredging is due to delays in issuance of applicable permits which LESSEE has demonstrated

a due and diligent effort to obtain. The lease shall contain provisions against the assignment or sublease of the lease unless approved by the Louisiana Department of Wildlife and Fisheries.

A bid bond in the amount of \_\_\_\_\_ (or in a proportionately smaller amount if a portion bid is submitted) shall be submitted with each bid, which bid bond shall be written on forms prepared by the Commission and available to prospective bidders at the office of the Department of Wildlife and Fisheries, and shall ensure the commitment of each bidder to enter into and execute the leases, if selected as high bidder. Said bid bond shall be in favor of the Louisiana Department of Wildlife and Fisheries. In lieu of the bid bond and in the same amount thereof, bidders may tender with their bid, cash payments in the form of a certified check, cashier's check, or bank money order payable to the Louisiana Department of Wildlife and Fisheries, and the certified check, cashiers check or bank money order accompanying the bid of the successful bidder shall be immediately negotiated by the Louisiana Department of Wildlife and Fisheries and the proceeds thereof deposited in the Conservation Fund. This cash payment shall be credited to the LESSEE and applied to the cubic yard royalties and/or guaranteed annual minimum royalties as the case may be.

No bid submitted with the above bid bond or cash payment may be thereafter withdrawn or cancelled. The successful bidder(s) to whom the lease is awarded on the date of the lease shall return the written lease, duly executed, within TWENTY (20) DAYS after bidder's receipt of same under penalty of forfeiture of the lease and the aforesaid bid bond or cash payment previously tendered in the event of failure to do so; provided, however, that in the case of a successful bidder who has applied for all necessary and applicable permits but who has not received all necessary and applicable permits by the end of the twenty (20) day period, the Secretary may, in his discretion (a) extend this twenty (20) day

period and/or (b) waive all or part of the bid bond.

Bids may be for the whole or any particularly described portion of the water bottoms advertised; however, bidders are advised that the Commission desires to lease the entirety of the water bottoms herein described and bidders are encouraged to submit bids for an entire tract. All bidders are hereby notified that bids on portions of tracts should be described by metes and bounds and be accompanied by a transparent plat outlining thereon the portion bid upon. The scale of the plat should be 1 inch = 4,000 feet. Bidders are further notified that bids may be submitted for both tracts in globo.

At the time of the submission of their bids, all bidders are to contact Barney Barrett at 765-2372, to arrange for the submission of a geological and geophysical evaluation of the tract, prepared in accordance with the bidder's usual procedure, along with data relative to any exposed reefs (above the mud line). Any of the above information designated as proprietary by the bidder shall be treated in a confidential manner by the Department.

The Louisiana Wildlife and Fisheries Commission reserves the right to reject any and all bids or to grant a lease on any portion of an advertised tract and to withdraw the remainder of the tract.

Any lease for shell dredging awarded by the Commission requires the approval and countersignature of the State Mineral Board and the Commissioner of the Division of Administration.

Office of Mineral Resources  
On Behalf of the Louisiana  
Wildlife and Fisheries  
Commission

Published in the Baton Rouge "State Times" on \_\_\_\_\_, 1994, and  
the Official Journal of the Parishes in which the property is located.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION BID FORM

\_\_\_\_\_, 1994

CHECK ONE:

TRACT 1:

TRACT 2:

☐ Entire Tract  
Approximately \_\_\_\_\_ acres

☐ Entire Tract  
Approximately \_\_\_\_\_ acres

☐ Portion of Tract 1  
Approximately \_\_\_\_\_ acres

☐ Portion of Tract 2  
Approximately \_\_\_\_\_ acres

☐ TRACTS 1 and 2 in globo  
Approximately \_\_\_\_\_ acres

Bidder: \_\_\_\_\_  
(Name to appear on lease contract,  
if lease is awarded)

For a three (3) year lease.

ROYALTY BID:

\_\_\_\_\_ (fractional portion) of the "selling price of the shell produced," which is defined as the price of the shell FOB dredge site, exclusive of any transportation costs; be it further provided that for purposes of this bid, and throughout the term of the lease, the "selling price of the shell produced" shall be deemed to be never less than \_\_\_\_\_ DOLLARS AND \_\_\_\_\_ CENTS (\$\_\_\_\_\_) per cubic yard.

[Mathematical computation of the minimal contractual per cubic yard royalty - to be completed by bidder:

\_\_\_\_ / \_\_\_\_ (fractional portion) x \$\_\_\_\_.\_\_\_\_ ("selling price")  
= \$\_\_\_\_.\_\_\_\_ /cubic yard

In the event of mathematical error in the above computation, the figures submitted in the bid itself will govern.]

Metes and bounds description as follows: (REQUIRED FOR PORTION BID ONLY) -  
(Plat showing portion outlined in red is attached).

In the event of a "Joint bid", the undivided interest of each bidder is as follows:

The lease contract is to be drafted on such terms as are provided for and written in the current lease form approved by the Louisiana Wildlife and Fisheries Commission for shell dredging leases.

In the event this bid is accepted, the lease contract should name \_\_\_\_\_ as lessee or lessees, of the following domicile(s) or residence(s) \_\_\_\_\_ (address(es) to be used on the lease form itself) acting herein on his, its, their own behalf or through \_\_\_\_\_, agent.

The Louisiana Wildlife and Fisheries Commission should mail the contract to:

-----  
----- at the  
following address: -----  
----- attention of  
-----

The undersigned acknowledges that the bid bond or certified check, cashier's check or bank money order, payable to the Louisiana Department of Wildlife and Fisheries, for five percent (5%) of the performance bond amount as determined by the Commission and set out in the lease forms, shall accompany and be submitted with each bid, and no bid thus submitted may be thereafter withdrawn or cancelled and the certified check, cashier's check or bank money order accompanying the bid of the successful bidder shall be immediately negotiated and endorsed by the Louisiana Department of Wildlife and Fisheries, and the proceeds thereof deposited immediately in the Conservation Fund. The undersigned further acknowledges that the successful bidder, to whom the lease is awarded on the date of the lease sale, shall return the written lease, duly executed, within TWENTY (20) DAYS after his receipt of same. In the event this bid is rejected, said certified check, cashier's check or bank money order shall be returned.

Bidder acknowledges that this bid shall be binding for a period of sixty (60) days from the date of the official opening of bids.

Respectfully submitted,

\_\_\_\_\_

NOTE:

Bid bond, certified check, cashier's check or bank money for the required amount should be attached. Checks should be made payable to Louisiana Department of Wildlife and Fisheries.

The tract number of the tract on which the bid is made should appear on the envelope sealing this bid.

BID BOND

\_\_\_\_\_, as Principal (Bidder) and  
\_\_\_\_\_, as Surety, are bound unto the  
State of Louisiana, Department of Wildlife and Fisheries, (hereinafter called the  
Department) in the sum of \_\_\_\_\_  
DOLLARS (\$\_\_\_\_\_) for payment of which the Principal and Surety bind  
themselves, their heirs, executors, administrators, successors and assigns,  
jointly and severally.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

The condition of this obligation is such that, whereas the Principal has  
submitted a bid to the Department on a lease for the dredging of fossil shell,  
if the said lease is awarded to the Principal and the Principal, within the  
specified time, enters into the lease in writing and gives bond with Surety  
acceptable to the Department for performance of said lease, this obligation shall  
be voided; otherwise to remain in effect for a period of sixty (60) days from the  
date of the official opening of bids.

\_\_\_\_\_  
Principal (Bidder)

\_\_\_\_\_  
Surety

BY \_\_\_\_\_  
Authorized Officer -  
Owner - Partner

BY \_\_\_\_\_  
Agent or Attorney-in-Fact  
(Seal)

\_\_\_\_\_  
TYPED OR PRINTED NAME

I certify that I am, as of the date of this bond, a licensed Resident Agent of the State of Louisiana in good standing with the Louisiana Insurance Commission and authorized to countersign this bond on behalf of the Surety.

BY \_\_\_\_\_  
Name of Agency

\_\_\_\_\_  
Typed or Printed Name Address

\_\_\_\_\_  
Agent License Number



CENTRAL COAST, EAST

Shell Lease: Central Coast

All water bottoms located in the Parishes of St. Mary, Terrebonne and Iberia which lie within an area defined as follows:

Shell Lease: Central Coast - Tract #1

Beginning at a point in East Cote Blanche Bay 1500 feet south of the shoreline below Point Marone at Latitude 29 degrees 37 minutes 38 seconds North, Longitude 91 degrees 39 minutes 48 seconds West; thence in an easterly direction and along a line running parallel to and 1500 feet seaward of the shoreline to Latitude 29 degrees 37 minutes 54 seconds North, Longitude 91 degrees 35 minutes 07 seconds West; thence south along Longitude 91 degrees 35 minutes 07 seconds West to its intersection with Latitude 29 degrees 26 minutes 06 seconds North; thence in a northwestwardly direction to its intersection with Latitude 29 degrees 27 minutes 46 seconds North, Longitude 91 degrees 39 minutes 48 seconds West; thence north along Longitude 91 degrees 39 minutes 48 seconds West to the point of beginning, containing approximately 35,567 acres and as further shown on the attached chart designated EXHIBIT "A", 1994.

Beginning offshore of East Cote Blanche Bay at Latitude 29 degrees 24 minutes 26 seconds North, Longitude 91 degrees 36 minutes 57 seconds West; thence eastward along Latitude 29 degrees 24 minutes 26 seconds North to its intersection with Longitude 91 degrees 35 minutes 34 seconds West; thence northward along Longitude 91 degrees 35 minutes 34 seconds West to its intersection with Latitude 29 degrees 25 minutes 05 seconds North; thence southeastward and 1500 feet seaward of the line marked Territorial Sea to its intersection with Longitude 91 degrees 28 minutes 30 seconds West; thence south along Longitude 91 degrees 28 minutes 30 seconds West to its intersection with the Three Nautical Mile line at Latitude 29 degrees 19 minutes 23 seconds North; thence northwestward along the Three Nautical Mile line to its intersection with Longitude 91 degrees 36 minutes 57 seconds West; thence north along Longitude 91 degrees 36 minutes 57 seconds West to the point of beginning, containing approximately 20,168 acres,

and as further shown on the attached chart designated EXHIBIT "A",  
1994.

Shell Lease: Central Coast - Tract #2

Beginning at a point in East Cote Blanche Bay 1500 feet south of the shoreline at Latitude 29 degrees 37 minutes 54 seconds North, Longitude 91 degrees 35 minutes 07 seconds West; thence in an easterly direction and along a line running parallel to and 1500 feet seaward of the shoreline to Latitude 29 degrees 37 minutes 55 seconds North, Longitude 91 degrees 33 minutes 38 seconds West; thence in a southerly direction and along a line parallel to and 1500 feet seaward of the shoreline to Latitude 29 degrees 30 minutes 50 seconds North, Longitude 91 degrees 32 minutes 59 seconds West located 1500 feet south of Point Chevreuil; thence southeastward to Latitude 29 degrees 25 minutes 44 seconds North, Longitude 91 degrees 31 minutes 04 seconds West; thence eastward to Latitude 29 degrees 25 minutes 34 seconds North, Longitude 91 degrees 22 minutes 47 seconds West; thence southwestward to Latitude 29 degrees 23 minutes 35 seconds North, Longitude 91 degrees 23 minutes 46 seconds West; thence northwestward to Latitude 29 degrees 24 minutes 27 seconds North, Longitude 91 degrees 27 minutes 26 seconds West; thence southwestward to Latitude 29 degrees 23 minutes 55 seconds North, Longitude 91 degrees 29 minutes 18 seconds West; thence south along Longitude 91 degrees 29 minutes 18 seconds West to its intersection with Latitude 29 degrees 23 minutes 18 seconds North, located 1500 feet north of the Territorial Sea Line; thence northwestward and 1500 feet north of the Territorial Sea Line to its intersection with Latitude 29 degrees 24 minutes 30 seconds North, Longitude 91 degrees 32 minutes 12 seconds West; thence north along Longitude 91 degrees 32 minutes 12 seconds West to its intersection with Latitude 29 degrees 25 minutes 00 seconds North; thence northwestward to its intersection with Latitude 29 degrees 26 minutes 06 seconds North, Longitude 91 degrees 35 minutes 07 seconds West; thence North along Longitude 91 degrees 35 minutes 07 seconds West to the point of beginning, containing approximately 35,480 acres, and as further shown on the attached chart designated EXHIBIT "A", 1994.

Beginning offshore of Atchafalaya Bay at Latitude 29 degrees 22 minutes 23 seconds North, Longitude 91 degrees 28 minutes 30 seconds West, located 1500 feet south of the Territorial Sea Line; thence southeastward and 1500 feet seaward of the line marked Territorial Sea to Latitude 29 degrees 20 minutes 11 seconds North, Longitude 91 degrees 22 minutes 42 seconds West; thence southerly to Latitude 29 degrees 19 minutes 32 seconds North, 91 degrees 22 minutes 36 seconds West; thence northeastward to Latitude 29 degrees 19 minutes 41 seconds North, 91 degrees 21 minutes 39 seconds West; thence southeasterly along a line running parallel to and 1500 feet seaward of the shoreline to Longitude 91 degrees 20 minutes 00 seconds West; thence south along Longitude 91 degrees 20 minutes 00 seconds West to its intersection with the Three Nautical Mile line; thence northwesterly along the Three Nautical Mile line to its intersection with Longitude 91 degrees 28 minutes 30 seconds West; thence north along Longitude 91 degrees 28 minutes 30 seconds west to the point of beginning, containing approximately 22,322 acres, and as further shown on the attached chart designated as EXHIBIT "A", 1994.

**LEASE FOR FOSSIL SHELL EXTRACTION  
FROM STATE OWNED WATER BOTTOMS**

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

SHELL LEASE: Central Coast

WHEREAS, under the provisions of Section 441 of Title 56 of the Louisiana Revised Statutes of 1950, as amended, and other applicable laws, the Louisiana Wildlife and Fisheries Commission advertised for the bids for a lease covering fossil shells on the property described below; and

WHEREAS, in response to required advertisements, bids were received and duly opened in the City of Baton Rouge, Parish of East Baton Rouge, State of Louisiana on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and the Minerals Committee of the Louisiana Wildlife and Fisheries Commission having reviewed and evaluated same; and,

WHEREAS by resolution duly adopted, the Louisiana Wildlife and Fisheries Commission accepted the bid of \_\_\_\_\_ whose mailing address is \_\_\_\_\_ (hereinafter referred to as "Lessee") as being the most advantageous to the State of Louisiana:

NOW, THEREFORE, be it known and remembered the Louisiana Wildlife and Fisheries Commission (hereinafter referred to as the Commission) acting under said authority for and in behalf of the State of Louisiana, as Lessor, does hereby lease unto the said Lessee, the property described below for the purpose of extracting fossil shells and fossil shell material.

In connection therewith Lessee shall have the right to use as much of the property as may be reasonably necessary for such

operations, subject to restrictions contained in this lease or applicable permits. The leased property, situated in the State of Louisiana, is more fully described on Exhibit "A" which is attached hereto and made a part hereof.

Notwithstanding any provisions to the contrary in this Lease, this Lease is granted and accepted without any warranty of title and without any recourse against Lessor whatsoever, either expressed or implied. It is expressly agreed that the Lessor shall not be required to return any payments received hereunder or be otherwise responsible to Lessee therefor.

The State Mineral Board, herein represented by its Chairman, appears herein for the purpose of indicating its approval of said lease.

The State of Louisiana represented herein by the Commissioner of the Division of Administration, appears herein pursuant to the provisions of Act 282 of 1989.

#### **1. TERM**

The rights and privileges herein granted shall be for a term of three (3) years beginning November 1, 1994 and ending October 31, 1997 (hereinafter called "term"). This lease shall be subject to all existing and future oil and gas pipeline rights-of-way, mineral leases and servitudes granted by third parties and the State of Louisiana through the Department of Natural Resources, the Division of Administration, and the State Mineral Board located in the area hereinabove described. Nothing herein shall preclude the State of Louisiana from granting future oil and gas pipeline rights-of-way, mineral leases and servitudes to third parties.

## 2. ROYALTY

As consideration under this lease, LESSEE shall pay the Department of Wildlife and Fisheries, (hereinafter referred to as the Department), a royalty of \_\_\_\_\_ of the "selling price of the shell produced", from the above described water bottoms which is defined as the price of the shell free on board (FOB) dredge site, exclusive of any transportation costs. Such price must represent a fair market price as would be determined by a negotiated arms length agreement between two independent parties. Be it further provided that for purposes of this lease, and throughout the term of this lease, the "selling price of the shell produced" shall be deemed to be never less than \_\_\_\_\_ per cubic yard.

Lessee shall be required to report at intervals specified by the Department the posted barge price, as well as any changes thereof and any sales that take place from the barge.

Payment in full of royalties for all shells and/or deposits removed by the LESSEE during any one calendar month shall be made on or before the 15th day of the succeeding month, all in a manner consistent with the applicable law of the State of Louisiana. Any unpaid royalties shall be subject to legal interest which shall begin to accrue on the date said royalties are due.

For purposes of this lease, measurements of cubic yards of shell on barges shall be calculated as follows:

$$\text{Volume} = \frac{L (A + d + 4M)}{162} = \text{cubic yards}$$

Where A = Area of top

d = Area of base

M = Area of cross section midway  
between top and base

L = Height



### 3. DATA; AUDIT AND INSPECTION

LESSEE, on or before the 15th day of each month, shall furnish the Department any or all of the following types of data relating to shell production: (1) type of material removed, (2) dates removed, (3) name of vessel, (4) area of dredging, (5) cubic yards removed, and (6) royalty due.

LESSEE shall periodically and in a manner and on such forms specified by the Department, report to the Department purchasers of the shell dredged and the prices paid thereon.

These data shall not be deemed conclusive and the Department reserves the right, and LESSEE so agrees, to permit the Department's authorized representative and/or agents and representatives of the Legislative Auditor's Office or the Inspector General's Office to examine any and all of LESSEE'S books, records and memoranda of whatever kind or nature, pertaining to or having any connection whatever with the removal or sale of said shells.

The Department further reserves the right, and LESSEE agrees, to have the Department's agents or representatives and/or agents and representatives of the Legislative Auditor's Office or the Inspector General's Office inspect the barges, boats, and dredges, etc., in which the said shells are removed, and to keep a check on the number thereof, and also to determine by whatever means it may deem necessary, the number of cubic yards of shells which have been removed from the hereinabove described beds or water bottoms, and to require the payment therefor.

LESSEE shall permit routine field inspections by the above personnel for the purposes of verifying:

- a) location of dredges,

- b) direction of effluent discharge,
- c) measurements of quantity of shell aboard, and
- d) compliance with all Department of Wildlife and Fisheries regulations pertaining to shell dredging.

For the purposes of this inspection, the LESSEE shall allow the above personnel to board vessels for inspection of documents and records pertinent to the leases and regulations, positioning equipment, shell cargo, any other operations of the dredge and/or its supporting equipment, and to retrieve Global Positioning System tapes from recording instruments.

#### **4. EQUIPMENT AND PERSONNEL**

LESSEE warrants that it has currently under its exclusive ownership and/or control, or will have by the effective date of this lease, an adequate supply of dredges, adequately powered tow boats for the operating conditions, barges, cranes, machinery, tools and implements of every kind or character which may be necessary to the taking and removal of shell and/or shell deposits under the terms of this Agreement.

LESSEE further warrants that it has in its employ a number of skilled personnel sufficient to adequately perform the requirements of this contract. LESSEE also warrants that it has, or will acquire, valid permits issued by the United States Army Corps of Engineers, the Louisiana Department of Natural Resources, and any other agencies as may be required by law.

#### **5. LIABILITY, HOLD-HARMLESS, DEFENSE AND INSURANCE**

It is expressly understood that the State of Louisiana, all of its departments, agencies, boards, commissions and

employees, including the Department and the Commission shall incur no liability or expense of any kind in connection with the ownership, control and operation of such equipment by LESSEE, including but not limited to all court costs, cost of defense and any judgments arising from any claims, actions or causes of action by all third parties, LESSEE, its employees, agents, officers, directors, successors and assigns, their employees, agents, officers and directors caused by LESSEE, its employees, agents, successors and assigns in the exercise of the dredging rights and privileges granted by this lease.

LESSEE agrees that it shall be liable and responsible for property damage or personal injury, whether to property of the State of Louisiana or of any individual, firm or corporation, or to any person or persons, caused by the negligence or breach of contract of LESSEE or by its agents, directors or employees of any kind. LESSEE, its successors and assigns agree to indemnify and hold harmless the State of Louisiana, all of its departments, agencies, boards, commissions and employees, including the Department and the Commission and their officers and employees from all such damage or damages caused by such LESSEE, including assuming the cost and expense of defending all claims, actions, or causes of action which are or may be filed seeking such damage or damages.

It is expressly provided that the State of Louisiana, all of its departments, agencies, boards, commissions and employees, including the Department and the Commission shall have no responsibility or liability relative to navigation of LESSEE'S vessels, nor any responsibility or liability to inform or advise LESSEE as to the existence or location of any pipelines, drilling platforms, bridges, causeways, docks, piers or other structures, located on the property which is included within this lease. It is further expressly provided that LESSEE shall bear sole responsibility for the navigation of its vessels and for

determining the existence and location of all pipelines, drilling platforms, bridges, causeways, docks, piers or other structures which may be located on or within the property leased herein.

It is further provided that LESSEE will defend, indemnify and hold harmless the State of Louisiana, all of its departments, agencies, boards, commissions and employees, including the Department and the Commission and their officers and employees for any claims, demands, liabilities or causes of action arising out of LESSEE'S taking of shells, including those arising out of the navigation of LESSEE'S vessels, or collisions between LESSEE'S vessels and other vessels, pipelines, drilling platforms, bridges, causeways, docks, piers or other structures, even if such action is alleged to have been brought about solely, or in part, by the negligence of the Department. It is expressly provided, however, that LESSEE shall not be obligated to defend, indemnify and hold the Department or Commission harmless for any claim which does not directly involve LESSEE'S vessels, equipment and/or operations. It is further provided that LESSEE shall not be obligated to defend, indemnify and hold harmless the Department or Commission for any claim for worker's compensation filed by any of their employees; provided, however that nothing herein shall preclude the Department or the Commission from maintaining an action for recovery against the LESSEE under the laws of the State of Louisiana, including LSA R.S. 23:1101 et seq. LESSEE shall specifically obtain insurance coverage of this indemnity provision and shall furnish the Department with satisfactory evidence of such coverage, from a company that A. M. Best and Company has given a "B" or better rating, of not less than FIFTEEN MILLION (\$15,000,000.00) DOLLARS. LESSEE agrees to name the State of Louisiana, all of its departments, agencies, boards, commissions, and employees, including the Department and the Commission and their officers and employees as an additional insured under this policy of insurance, and to furnish the Department a copy of same.

In all suits arising out of this contract, the parties hereto agree that Louisiana law shall govern.

#### **6. OPERATION, LOCATION AND MOVEMENT OF VESSELS**

LESSEE further agrees, binds and obligates itself before commencing operations in accordance with this lease, to furnish the Department a map, plat or chart to scale as specified by the Department, of the major areas of the beds and water bottoms hereinabove described and from which LESSEE shall take and remove shells and/or shell deposits, which map, plat or chart shall have marked thereon the location at which LESSEE shall commence its operations; and LESSEE shall notify the Department, in writing, of any and every major change of location of its operations, and by correcting said map, plat or chart aforesaid by marking its new major areas of operation as well as each and every former major area of operation under this lease.

LESSEE shall notify the Department in writing, at least ten (10) days prior to putting into actual service any dredge, barge or tow boat used in the removal of shells and/or shell deposits, together with the capacity of each, and the Department may thereupon verify the measurements of said barges. In case the giving of such notice by the LESSEE becomes impractical, the LESSEE shall give written notice as soon as practicable after such vessel is placed in service.

Each operating dredge shall be required to have a tamper-proof device, as specified by the Department, installed on board which will plot, map and record all movements and locations of the dredge vessel. Location of the dredge shall, at a minimum, be recorded on an hourly basis in Global Positioning System or latitude and longitude coordinates.

Each operating dredge shall be required to have on board at all times a person with the authority to stop and/or move the dredge and/or other equipment upon notification by the designated representative(s) of the Department.

LESSEE shall report on a calendar weekly basis, on a form provided by the Department, the daily location(s) of dredging activities and any other information required by the Department. A calendar week shall be defined as Sunday through Saturday. These report forms shall be delivered to the Department on the Monday following the end of the calendar week, or postmarked by that date.

For purposes of this section the term "Department" shall include the Department, its agents, offices, and employees and its authorized representatives.

#### **7. ADHERENCE TO APPLICABLE PROVISIONS; RESTRICTED ZONES**

LESSEE binds and obligates itself to strict adherence to all applicable state and federal permit stipulations, environmental laws, rules, and regulations and not to dredge within three hundred (300') feet of any other shell dredging operations or within any area designated as a restricted zone.

Effluent shall be directed back into the dredged area via a discharge conduit. The affected water bottoms shall, to the extent reasonably possible of accomplishment, be returned or restored to a condition as near equivalent to that which existed before said operations were conducted.

Dredging operations shall not be conducted within restricted areas as shown on the zone chart (Exhibit A) nor within 1,500 feet of natural land masses or exposed reefs.

No subaqueous reefs shall be dredged. "Subaqueous reefs" are herein defined as those reefs which are above the water bottom but beneath the water level at Gulf Coast Low Water Datum (GCLWD). LESSEE shall provide independent third party verification consistent with traditional survey methods employed in the industry, that no subaqueous (submerged) reefs are being dredged. This verification shall be provided periodically as required by the Department.

Before commencing operations in any given zone the LESSEE shall notify the Department in writing at least ten (10) days in advance as to its proposed zone of the operations and to the best extent possible, the approximate location within the zone. Zones identified in this notice shall correspond with the zone chart which is attached hereto and identified as Exhibit A.

Dredged areas shall be surveyed with a recording fathometer and copies of each depth profile shall be submitted to the Department of Wildlife and Fisheries on or before the 15th day of the succeeding month. Maximum depth along with the vertical scale shall be indicated on each profile. Location of depth profiles shall be specified using precise Global Positioning System or latitude and longitude coordinates (i.e. reported to the nearest 0.1 of the line of position/T.D.).

#### **8. GUARANTEED ANNUAL MINIMUM ROYALTY**

LESSEE agrees that the quantity of shells removed by it will yield to the Department guaranteed royalties of no less than \_\_\_\_\_ per year, starting with the year beginning on the date hereof, and continuing therefrom throughout the term. LESSEE further agrees that in the event for any reason LESSEE does not remove sufficient shells to aggregate in total, at the price per yard stipulated above, the guaranteed yield

to the Department of \_\_\_\_\_  
\_\_\_\_ per year, LESSEE will pay to the Department an amount sufficient  
to produce the minimum sum of \_\_\_\_\_  
\_\_\_\_\_ per year as stipulated.

Should this lease be terminated at any time other than  
the end of any lease year, then the \_\_\_\_\_  
\_\_\_\_\_ annual minimum guaranty shall be reduced by the amount  
of royalty paid by LESSEE to the Department during such lease year,  
but prior to such termination, to the end that LESSEE in the lease  
year of termination shall pay not less than the \_\_\_\_\_  
\_\_\_\_\_ minimum annual guaranty. After making  
said calculation, should it be determined that any part of said  
annual guaranty shall be due and owing, then such amount shall be  
immediately paid to the Department. The words "lease year",  
wherever used in this lease, shall mean an annual period beginning  
**November 1**, and ending **October 31**.

LESSEE'S obligation to pay this guaranteed annual minimum  
royalty shall not be relieved or reduced as a result of any force  
majeure, as defined in Paragraph 15 herein.

The Commission may consider a proportional reduction of  
the guaranteed annual minimum royalty in the event that an order,  
or permit condition that arises subsequent to the effective date of  
this lease, of the Department or other governmental agency, or  
order of court suspends LESSEE'S operations and thereby results in  
a substantial reduction of shell production; provided however that  
in no event shall the Commission consider such a reduction when the  
suspension order is due wholly to LESSEE'S own fault or a violation  
of the provisions of this lease, any applicable permit or any  
applicable state or federal laws, rules or regulations.

#### **9. TERMINATION FOR CAUSE**



In case LESSEE fails to make payment according to the reservations, terms and conditions hereinabove stipulated within the time provided in this agreement, or should LESSEE fail or refuse to comply with any provisions in this agreement, on and after ten (10) days from the date said payments are due, or from the date of said failure or refusal to comply herewith, this lease may be revoked, terminated and cancelled; provided that the LESSEE shall be given written notice of any such failure to comply with a provision of this lease, and LESSEE shall have five (5) days after receipt of such notice in which to correct such default. In the event such default is not cured within the said five (5) day period, then this lease may be terminated without further formality, except for a written notice of such revocation and termination to be forwarded by the Secretary for the Department to LESSEE at its domicile and to the Clerks of Court in the Parishes wherein the hereinabove described water bottoms are located, by United States mail, postage prepaid. Nothing to the contrary withstanding, the provisions of this paragraph shall not release or relieve LESSEE, its successors and assigns from the liability assumed and established in this lease, arising on or before the date of cancellation or forfeiture of the rights and privileges herein provided.

If actual dredging operations are not commenced hereunder on the leased premises in good faith on or before ninety (90) days from the date hereof, this lease shall then terminate, subject to the above procedure. Be it further provided that if all applicable permits have not been issued within the above ninety day period, the Commission may extend this period upon a showing that LESSEE has made and is making a due and diligent effort to obtain the issuance of same.

Within ninety (90) days after expiration or termination by its own terms of this lease or any portion thereof, either during or after the primary term hereof, LESSEE shall execute and

record an appropriate release evidencing such expiration or termination, and shall also supply the Department with a copy or copies thereof properly certified by the recorder or recorders of the parish or parishes in which the leased premises are located. In the event LESSEE fails to timely comply therewith, LESSEE shall be liable for reasonable attorney fees and court costs incurred in bringing a successful suit for such cancellation, and for all damages resulting therefrom. It is agreed, however, that damages to be paid by LESSEE to the Department shall be one hundred dollars (\$100.00) per day for each day of non-compliance after expiration of said ninety (90) day period, regardless of whether suit is filed for cancellation, and for such additional compensatory damages as the Department may prove.

It is further provided that the suspension of dredging activities shall not constitute a breach by LESSEE of this agreement if said suspension comes about as a result of an order of the Department or another agency of government or court, and is not due to any fault of LESSEE or any violation of the provisions of this lease or any applicable state or federal permit, statute, rule or regulation.

#### **10. ASSIGNMENT AND SUBCONTRACT**

There shall be no assignment or subcontract of this lease or the rights and privileges hereunder without the express written consent of the Department; provided however that such approval shall not be required if such assignment and all rights hereunder are made to a bona fide successor or subsidiary of said LESSEE. Be it further provided that if assignment is made to a bona fide successor or subsidiary of LESSEE, then LESSEE shall give the Department written notice thereof within five (5) days of the date of said assignment. It is expressly understood, that LESSEE, with the written approval of the Department, may assign to or

subcontract to any person, firm or corporation, from time to time, and at any time, the right to take and remove shells and shell deposits from the area covered hereby, and in such event, the LESSEE shall contract with such assignee or sublessee to take or remove shells and shell deposits from the area covered hereby and said LESSEE shall remain liable for the performance of all duties and obligations herein imposed. It is further provided that in no event shall LESSEE assign or subcontract the rights to remove more than fifty (50%) of the shells or shell material to be removed under this lease.

#### **11. PERFORMANCE BOND**

LESSEE further agrees and obligates itself to execute, simultaneously with the execution of this lease, in favor of the Department, in the manner prescribed by law, a performance bond in the sum of \_\_\_\_\_ with a solvent surety company authorized to do business in Louisiana as surety thereon, conditioned that LESSEE will faithfully, promptly and diligently carry out and perform all of the conditions and obligations herein imposed, described and assumed by this lease, which bond shall be renewable annually during the term of this lease or any extended period thereof. This bond shall not be released except with written permission of the Commission. If written permission is not granted by the Commission within sixty (60) days after termination of this lease, such permission shall be presumed.

#### **12. RELINQUISHMENT OF DATA**

Upon termination of this lease, either by the expiration of its term or by forfeiture or revocation, or for any other cause, LESSEE agrees and binds itself immediately to turn over to the

State Mineral Board all maps, records of borings, and other data relative to said shells and/or shell deposits which it may have obtained, and such maps, records, and other data shall be and remain the property of the State Mineral Board. Any information furnished by LESSEE to the State Mineral Board or otherwise examined and studied by the Department shall be retained in confidence. Nothing in this Article shall require that LESSEE furnish or permit inspection of any interpretation of any of the types of data referred to above, and nothing herein shall be construed as requiring LESSEE to secure any such data solely for the purposes of this Article. The Department's representatives shall have access at all reasonable times to examine and inspect LESSEE'S records and operations pertaining to the leased premises therewith.

#### **13. REMOVAL OF SHELLS FOR SEEDING PURPOSES**

The Department specially reserves the right to permit oyster growers to remove such oyster and/or clam shells from any of said water bottoms or reefs within the area above described in this lease as may be required by such oyster growers for seeding purposes only, and with which reservation LESSEE acquiesces and consents.

LESSEE agrees that in the event the Department shall desire to permit oyster growers to remove oyster and/or clam shells as provided, the Department will furnish to such oyster growers a written order to the aforesaid LESSEE authorizing and directing LESSEE to permit the removal of oyster and/or clam shells by said oyster and/or clam growers.

#### **14. REGULATIONS; SUSPENSION OF OPERATIONS**

The Department specifically reserves the right to establish regulations on dredging areas in the interest of living resources. The Department further specifically reserves the right to suspend the removal of shells and/or other shell deposits from the above described beds or water bottoms by LESSEE and its successors and assigns in the event that the dredging operations by LESSEE and its successors and assigns violate said regulations. Additionally, the Department specifically reserves the right to suspend the removal of shell and/or shell deposits from the above described beds or water bottoms in the event that detrimental environmental impacts occur or threaten to occur. The suspension aforesaid shall remain in effect until the Department determines that continued dredging operations would not be in violation of said regulations, or cause or produce the detrimental environmental impacts herein provided.

#### 15. FORCE MAJEURE

No failure or omission by any of the parties hereto in the performance of any obligation imposed by this lease shall be deemed a breach of this lease or create any liability for damages if the same shall arise from any cause or causes beyond the control of such party and without the fault or negligence of such party, including acts of God, acts of the public enemy, war, rebellion, sabotage, insurrection, riot, invasion or strike.

#### 16. SHELL PLANTS

The Department shall have the right to negotiate with the LESSEE for the planting of shells for oyster cultivation and to require the LESSEE to deduct the cost of such planting of shells from the royalties due the Department by LESSEE. LESSEE agrees in good faith to negotiate with the Department for the planting of

shells for oyster cultivation and the quantities and value of said shell shall be determined at the time of purchase.

#### 17. IN-KIND ROYALTY

At the option of the Department and/or the State Mineral Board, in lieu of payment of royalty as specified in paragraph 2, Lessee shall provide to the Department, or its designee, in-kind all of any portion due as royalty of any fossil shell and fossil shell material removed pursuant to this lease.

The Department shall exercise this in-kind royalty option by written notice to Lessee at any time and from time to time while this lease is in effect.

The Mineral Board may exercise this in-kind option only after providing reasonable evidence to the Commission that exercise of the in-kind royalty option shall be, at a minimum, revenue neutral to the Department taking into account all administrative and other costs, and shall result in a positive economic benefit to the State. Be it further provided that the Mineral Board, shall cancel and annul its invocation of this in-kind royalty provision should experience, over a reasonable period of time, demonstrate that in fact the result to the Department is less than revenue neutral or that it does not result in a positive economic benefit to the State.

The amount of in-kind royalty due shall be determined pursuant to the provisions of paragraph 2.

In-kind royalties shall be accepted by the Department, or the Department's designee, FOB dredge site or the usual offloading

site, at the option of the Department, or such other site as mutually agreed by the Department and Lessee. In the event the Department chooses to accept the shell at the usual offloading site, LESSEE may deduct all actual costs, including transportation.

Nothing contained in this lease or any attachments shall be interpreted as limiting or waiving this royalty in-kind option. Amendment of this in-kind royalty option shall require express approval by the State Mineral Board and any amendment without such approval shall be null and void.

#### **18. OFFSITE RESTORATION**

As compensation for disturbance of the water bottom during dredging, the LESSEE shall, at its sole expense, undertake offsite restoration for improvement of wetlands fish and wildlife habitat, the marine environment and public use. Such restoration shall be as follows:

1. 1,613 yds<sup>3</sup> for every 200,000 cubic yards dredged from the permitted area;
2. Shall be located in areas which are restricted from shell dredging.

Examples of such restoration shall include but not be limited to: creation of or restoration of shell reefs; creation of or restoration of coastal bird rookeries; construction and/or maintenance of water control structures, erosion deterance devices, levees and access routes on state wildlife management areas or refuges. The location and size of shell reefs shall be determined by the Department and all expenses in connection with the creation of or restoration of shell reefs, including transportation and deposition, shall be borne by LESSEE. However, all expenses

incurred in taking or placing shell pursuant to this section for any purpose other than the creation of or restoration of shell reefs, including without limitation all transportation and deposition costs, shall be borne by the Commission or by the Louisiana Department of Wildlife and Fisheries.

It is further provided that any offsite restoration undertaken by Lessee pursuant to the conditions of any permits issued by the Department of Natural Resources or any other State or Federal agency shall constitute partial or complete satisfaction of the above requirement, in a proportional amount based upon the amount of offsite restoration provided. The Department shall determine, in writing, the level of reduction of the amount of above requirement.

#### **19. SEVERABILITY OF PROVISIONS**

If any provisions of this lease shall be decreed invalid or unenforceable, the remainder of the lease agreement shall continue in full force and effect.

#### **20. VENUE FOR SUITS**

Any lawsuit contesting the validity of this lease or any of the provisions thereof, or asserting any right granted or seeking the performance of any duty imposed herein, or in any manner arising out of or connected to this lease or any provision thereof, shall be maintained only in the Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana.



21. AMENDMENT OR TERMINATION BY AGREEMENT OF PARTIES

This document contains the entire agreement between the parties and cannot be changed or terminated orally but only by an agreement in writing and signed by the party against whom enforcement of any waiver, change, modification or discharge is sought.

22. NOTICES

All notices under this lease shall be sent United States mail, postage prepaid, Certified Return Receipt Requested as follows:

LESSOR:

Joe L. Herring, Secretary  
Department of Wildlife and Fisheries  
P. O. Box 98000  
Baton Rouge, LA 70898-9000

LESSEE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THUS DONE, READ, ACCEPTED, AND SIGNED by the parties hereto in the presence of the respective undersigned witnesses, as of this \_\_\_\_\_ day of \_\_\_\_\_, 1994, which shall be the date of this lease for all purposes.

WITNESSES

WILDLIFE AND FISHERIES  
COMMISSION

\_\_\_\_\_  
\_\_\_\_\_

BY: \_\_\_\_\_  
Joe L. Herring  
SECRETARY

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Company)

BY: \_\_\_\_\_

APPROVED BY:

STATE MINERAL BOARD

\_\_\_\_\_  
\_\_\_\_\_

BY: \_\_\_\_\_  
CHAIRMAN

STATE OF LOUISIANA

\_\_\_\_\_  
\_\_\_\_\_

BY: \_\_\_\_\_  
COMMISSIONER, DIVISION OF  
ADMINISTRATION

WITNESS FORM OF  
ACKNOWLEDGEMENT FOR WILDLIFE AND FISHERIES COMMISSION

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority came and appeared \_\_\_\_\_, who by me being first duly sworn, deposed and said:

That he is one of the witnesses to the execution of the foregoing instrument and that he saw Joe L. Herring, sign said instrument as Secretary of the Louisiana Department of Wildlife and Fisheries for and on behalf of the Wildlife and Fisheries Commission and State of Louisiana, in the presence of appearer and \_\_\_\_\_, the other subscribing witness.

\_\_\_\_\_  
APPEARER

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

WITNESS FORM OF  
ACKNOWLEDGEMENT FOR LESSEE

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority came and appeared \_\_\_\_\_, who by me being first duly sworn, deposed and said:

That he is one of the witnesses to the execution of the foregoing instrument and that he saw \_\_\_\_\_ sign said instrument as \_\_\_\_\_ of \_\_\_\_\_ as the free act and deed of said lessee in the presence of appearer and \_\_\_\_\_, the other subscribing witness.

\_\_\_\_\_  
APPEARER

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

WITNESS FORM OF  
ACKNOWLEDGEMENT FOR STATE MINERAL BOARD

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority came and appeared \_\_\_\_\_, who by me being first duly sworn, deposed and said:

That he is one of the witnesses to the execution of the foregoing instrument and that he saw John Schober, sign said instrument as Chairman of the State Mineral Board for and on behalf of the State of Louisiana, in the presence of appearer and \_\_\_\_\_, the other subscribing witness.

\_\_\_\_\_  
APPEARER

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

WITNESS FORM OF  
ACKNOWLEDGEMENT FOR STATE OF LOUISIANA

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority came and appeared \_\_\_\_\_, who by me being first duly sworn, deposed and said:

That he is one of the witnesses to the execution of the foregoing instrument and that he saw Raymond Laborde sign said instrument as Commissioner for and on behalf of the State of Louisiana, in the presence of appearer and \_\_\_\_\_, the other subscribing witness.

\_\_\_\_\_  
APPEARER

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

EXHIBIT "A"

Shell Lease: Central Coast

All water bottoms located in the Parishes of St. Mary, Terrebonne and Iberia which lie within an area defined as follows:

Shell Lease: Central Coast - Tract 1

Beginning at a point in East Cote Blanche Bay 1500 feet south of the shoreline below Point Marone at Latitude 29 degrees 37 minutes 38 seconds North, Longitude 91 degrees 39 minutes 48 seconds West; thence in an easterly direction and along a line running parallel to and 1500 feet seaward of the shoreline to Latitude 29 degrees 37 minutes 54 seconds North, Longitude 91 degrees 35 minutes 07 seconds West; thence south along Longitude 91 degrees 35 minutes 07 seconds West to its intersection with Latitude 29 degrees 26 minutes 06 seconds North; thence in a northwestwardly direction to its intersection with Latitude 29 degrees 27 minutes 46 seconds North, Longitude 91 degrees 39 minutes 48 seconds West; thence north along Longitude 91 degrees 39 minutes 48 seconds West to the point of beginning, containing approximately 35,567 acres and as further shown on the attached chart designated EXHIBIT "A", 1994.

Beginning offshore of East Cote Blanche Bay at Latitude 29 degrees 24 minutes 26 seconds North, Longitude 91 degrees 36 minutes 57 seconds West; thence eastward along Latitude 29 degrees 24 minutes 26 seconds North to its intersection with Longitude 91 degrees 35 minutes 34 seconds West; thence northward along Longitude 91 degrees 35 minutes 34 seconds West to its intersection with Latitude 29 degrees 25 minutes 05 seconds North; thence southeastward and 1500 feet seaward of the line marked Territorial Sea to its intersection with Longitude 91 degrees 28 minutes 30 seconds West; thence south along Longitude 91 degrees 28 minutes 30 seconds West to its intersection with the Three Nautical Mile line at Latitude 29 degrees 19 minutes 23 seconds North; thence northwestward along the Three Nautical Mile line to its

intersection with Longitude 91 degrees 36 minutes 57 seconds West;  
thence north along Longitude 91 degrees 36' minutes 57 seconds West  
to the point of beginning, containing approximately 20,168 acres,  
and as further shown on the attached chart designated EXHIBIT "A",  
1994.



Shell Lease: Central Coast - Tract #2

Beginning at a point in East Cote Blanche Bay 1500 feet south of the shoreline at Latitude 29 degrees 37 minutes 54 seconds North, Longitude 91 degrees 35 minutes 07 seconds West; thence in an easterly direction and along a line running parallel to and 1500 feet seaward of the shoreline to Latitude 29 degrees 37 minutes 55 seconds North, Longitude 91 degrees 33 minutes 38 seconds West; thence in a southerly direction and along a line parallel to and 1500 feet seaward of the shoreline to Latitude 29 degrees 30 minutes 50 seconds North, Longitude 91 degrees 32 minutes 59 seconds West located 1500 feet south of Point Chevreuil; thence southeastward to Latitude 29 degrees 25 minutes 44 seconds North, Longitude 91 degrees 31 minutes 04 seconds West; thence eastward to Latitude 29 degrees 25 minutes 34 seconds North, Longitude 91 degrees 22 minutes 47 seconds West; thence southwestward to Latitude 29 degrees 23 minutes 35 seconds North, Longitude 91 degrees 23 minutes 46 seconds West; thence northwestward to Latitude 29 degrees 24 minutes 27 seconds North, Longitude 91 degrees 27 minutes 26 seconds West; thence southwestward to Latitude 29 degrees 23 minutes 55 seconds North, Longitude 91 degrees 29 minutes 18 seconds West; thence south along Longitude 91 degrees 29 minutes 18 seconds West to its intersection with Latitude 29 degrees 23 minutes 18 seconds North, located 1500 feet north of the Territorial Sea Line; thence northwestward and 1500 feet north of the Territorial Sea Line to its intersection with Latitude 29 degrees 24 minutes 30 seconds North, Longitude 91 degrees 32 minutes 12 seconds West; thence north along Longitude 91 degrees 32 minutes 12 seconds West to its intersection with Latitude 29 degrees 25 minutes 00 seconds North; thence northwestward to its intersection with Latitude 29 degrees 26 minutes 06 seconds North, Longitude 91 degrees 35 minutes 07 seconds West; thence North along Longitude 91 degrees 35 minutes 07 seconds West to the point of beginning, containing approximately 35,480 acres, and as further shown on the attached chart designated EXHIBIT "A", 1994.

Beginning offshore of Atchafalaya Bay at Latitude 29 degrees 22 minutes 23 seconds North, Longitude 91 degrees 28 minutes 30 seconds West, located 1500 feet south of the Territorial Sea Line; thence southeastward and 1500 feet seaward of the line marked Territorial Sea to Latitude 29 degrees 20 minutes 11 seconds North, Longitude 91 degrees 22 minutes 42 seconds West; thence southerly to Latitude 29 degrees 19 minutes 32 seconds North, 91 degrees 22 minutes 36 seconds West; thence northeastward to Latitude 29 degrees 19 minutes 41 seconds North, 91 degrees 21 minutes 39 seconds West; thence southeasterly along a line running parallel to and 1500 feet seaward of the shoreline to Longitude 91 degrees 20 minutes 00 seconds West; thence south along Longitude 91 degrees 20 minutes 00 seconds West to its intersection with the Three Nautical Mile line; thence northwesterly along the Three Nautical Mile line to its intersection with Longitude 91 degrees 28 minutes 30 seconds West; thence north along Longitude 91 degrees 28 minutes 30 seconds west to the point of beginning, containing approximately 22,322 acres, and as further shown on the attached chart designated as EXHIBIT "A", 1994.

**RESOLUTION OF THE  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

At their regular monthly meeting held at the Landmark Hotel in Metairie, Louisiana of the 5th day of May, 1994, the Louisiana Wildlife and Fisheries Commission passed the following resolution.

**WHEREAS:** Personnel of the Louisiana Wildlife and Fisheries Commission have reviewed the West Pearl River Navigation Project Final Environmental Impact Statement (FEIS); and

**WHEREAS:** Three alternative actions were proposed, and;

**WHEREAS:** ALTERNATIVE 1 (No Action) requires no comment, and is our preferred alternative, and;

**WHEREAS:** ALTERNATIVE 2 is the Coprs recommended alternative, and;

**WHEREAS:** It is stated in the FEIS that , "If the lower portion of the river is mined for sand and gravel, sufficient restrictions would be placed on the mining operations to protect the natural and scenic qualities of the stream.", and;

**WHEREAS:** It is unclear by whom the restrictions will be imposed, and;

**WHEREAS:** The West Pearl is a Scenic River, and the Department of Wildlife and Fisheries cannot permit the mining unless it is done by the Corps for the purpose of navigation or flood control, and;

**WHEREAS:** There are no restrictions that can 'hide' a dredge, barges or stockpiles of material, all of which impact the natural and scenic qualities of a stream, and only the absence of dredges will provide some measure of protection of wilderness quality and scenic values, and;

**WHEREAS:** The Department of Wildlife and Fisheries regulates the removal of fill material from state owned water bottoms for the purposes of severance royalty collection, not environmental protection, and;

**WHEREAS:** The FEIS states that hydraulic dredging will be done in a manner to minimize adverse environmental impacts, and;

**WHEREAS:** Hydraulic dredging totally disrupts the bottom being dredged. There are no 'degrees' of damage as a result of dredging. It is either damaged or it is not. We assume that the minimization of damages referred to is related to the assertion that the entire river will not be dredged, and;

WHEREAS: Placement of dredge material on the Pearl River Wildlife Management Area is no longer a disposal option. The Department did discuss the possibility of spoil disposal on the management area, and our personnel did indicate certain sites where such disposal might prove to be beneficial, but no formal agreement was executed between the Corps and the Department for such disposal of spoil, and;

WHEREAS: We are also concerned that the disposal of spoil over the Bogue Chitto sill at the Navigation Channel could contribute to additional silting of the main stem of the West Pearl River at Wilson Slough (also a Scenic River). We acknowledge that the FEIS states that the heavier materials are expected to deposit in the channel within the first mile of the Bogue Chitto below the sill, but we question how the deposits will react to subsequent high flows when dredging is not taking place, are convinced that they will not remain in place forever, but will they be translated further downstream at each subsequent high water. Additionally, we are not convinced that the sediment from each maintenance dredging event will deposit in the same location each time, and;

WHEREAS: In the discussion of the mitigation measures, which are all terrestrial, there is a statement that, "Land acquisition will be from willing sellers." The word "will" indicates that this is an absolute requirement, and infers that if willing sellers are not found, mitigation will not be accomplished, and;

WHEREAS: The reservations that we have about alternative 2 also apply Alternative 3, and;

WHEREAS: In response to the US Fish and Wildlife Service's Fish and Wildlife Coordination Act Report and Section 7 Biological Opinion, (included as Appendix F in the FEIS) the Department of Wildlife and Fisheries is not in total agreement with that agency on the acceptability of impacts to rare, threatened, or endangered species in the West Pearl River, and;

WHEREAS: Fish and wildlife resources of the Pearl River will be adversely impacted by the project, and;

WHEREAS: There will be absolutely no positive impacts on the biological community of the West Pearl River if this project is conducted, and from a biological and ecological perspective this project can do nothing by harm, and; ?

WHEREAS: Because all of the negative, environmental impacts of this project will be imposed upon the resources for which the Louisiana Wildlife and Fisheries Commission has responsibility, and all of the presumed, positive impacts will accrue to areas outside of our purview,

needs a no way

**THEREFORE BE IT RESOLVED:**

that the Louisiana Wildlife and Fisheries Commission voices objection to, and opposes the implementation of the navigation project and subsequent maintenance of the navigation channel.

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**John F. "Jeff" Schneider, Chairman**

**RESOLUTION OF THE  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

At their regular monthly meeting held at the Landmark Hotel in Metairie, Louisiana of the 5th day of May, 1994, the Louisiana Wildlife and Fisheries Commission passed the following resolution.

**WHEREAS:** Personnel of the Louisiana Wildlife and Fisheries Commission have reviewed the West Pearl River Navigation Project Final Environmental Impact Statement (FEIS); and

**WHEREAS:** Three alternative actions were proposed, and;

**WHEREAS:** ALTERNATIVE 1 (No Action) requires no comment, and is our preferred alternative, and;

**WHEREAS:** ALTERNATIVE 2 is the Corps recommended alternative, and;

**WHEREAS:** It is stated in the FEIS that , "If the lower portion of the river is mined for sand and gravel, sufficient restrictions would be placed on the mining operations to protect the natural and scenic qualities of the stream.", and;

**WHEREAS:** It is unclear by whom the restrictions will be imposed, and;

**WHEREAS:** The West Pearl is a Scenic River, and the Department of Wildlife and Fisheries cannot permit the mining unless it is done by the Corps for the purpose of navigation or flood control, and;

**WHEREAS:** There are no restrictions that can 'hide' a dredge, barges or stockpiles of material, all of which impact the natural and scenic qualities of a stream, and only the absence of dredges will provide some measure of protection of wilderness quality and scenic values, and;

**WHEREAS:** The Department of Wildlife and Fisheries regulates the removal of fill material from state owned water bottoms for the purposes of severance royalty collection, not environmental protection, and;

**WHEREAS:** The FEIS states that hydraulic dredging will be done in a manner to minimize adverse environmental impacts, and;

**WHEREAS:** Hydraulic dredging totally disrupts the bottom being dredged. There are no 'degrees' of damage as a result of dredging. It is either damaged or it is not. We assume that the minimization of damages referred to is related to the assertion that the entire river will not be dredged, and;

**WHEREAS:** Placement of dredge material on the Pearl River Wildlife Management Area is no longer a disposal option. The Department did discuss the possibility of spoil disposal on the management area, and our personnel did indicate certain sites where such disposal might prove to be beneficial, but no formal agreement was executed between the Corps and the Department for such disposal of spoil, and;

**WHEREAS:** We are also concerned that the disposal of spoil over the Bogue Chitto sill at the Navigation Channel could contribute to additional silting of the main stem of the West Pearl River at Wilson Slough (also a Scenic River). We acknowledge that the FEIS states that the heavier materials are expected to deposit in the channel within the first mile of the Bogue Chitto below the sill, but we question how the deposits will react to subsequent high flows when dredging is not taking place, are convinced that they will not remain in place forever, but will they be translated further downstream at each subsequent high water. Additionally, we are not convinced that the sediment from each maintenance dredging event will deposit in the same location each time, and;

**WHEREAS:** In the discussion of the mitigation measures, which are all terrestrial, there is a statement that, "Land acquisition will be from willing sellers." The word "will" indicates that this is an absolute requirement, and infers that if willing sellers are not found, mitigation will not be accomplished, and;

**WHEREAS:** The reservations that we have about alternative 2 also apply Alternative 3, and;

**WHEREAS:** In response to the US Fish and Wildlife Service's Fish and Wildlife Coordination Act Report and Section 7 Biological Opinion, (included as Appendix F in the FEIS) the Department of Wildlife and Fisheries is not in total agreement with that agency on the acceptability of impacts to rare, threatened, or endangered species in the West Pearl River, and;

**WHEREAS:** Fish and wildlife resources of the Pearl River will be adversely impacted by the project, and;

**WHEREAS:** There will be absolutely no positive impacts on the biological community of the West Pearl River if this project is conducted, and from a biological and ecological perspective this project can do nothing by harm, and;

**WHEREAS:** Because all of the negative, environmental impacts of this project will be imposed upon the resources for which the Louisiana Wildlife and Fisheries Commission has responsibility, and all of the presumed, positive impacts will accrue to areas outside of our purview,

**THEREFORE BE IT RESOLVED:**

that the Louisiana Wildlife and Fisheries Commission voices objection to, and opposes the implementation of the navigation project and subsequent maintenance of the navigation channel.

*and new  
maintenance  
channel*

*West Pearl River*

---

John F. "Jeff" Schneider, Chairman



Recommended Changes  
for Turkey Seasons  
on District 7 WMAs

	Original Recommendations	Proposed Changes
Bens Creek	March 18-April 23	March 18-April 9
Sandy Hollow	March 18-April 23	March 18-April 9
Tunica Hills	March 18-April 2	March 18-April 9
Pearl River	April 8-April 23	March 18-April 9

These changes are being recommended to ensure flourishing turkey populations on these popular WMAs by limiting hunting pressure that has a direct bearing on turkey populations and hunter success. This will also establish uniform season opening dates for WMAs within this District.

## COMMERCIAL FISHERMAN'S SALES CARD/RECEIPT PROGRAM

Act 441, 1990 (R.S. 56:303.7) Commission shall develop . . . a commercial fisherman's sales card to be used in lieu of license; embossed with name, license number, etc.

Commission shall also develop . . . a receipt form to be used by w/r dealers; transmitted to dept.

Act 887, 1991 (R.S. 56:305.B.(4) Increased fee for gill nets used in saltwater from \$25 to \$250.

(R.S. 56:305.5) Dedicated revenues from these licenses to be used solely for costs associated with the issuance of commercial fishing licenses and for the enforcement of laws regulating wildlife, fish, and other aquatic life in the coastal zone of the state.

Note: These bills were sponsored by Randy Roach; I think Bettsie had approached him to find a way to fund the sales card/receipt program.

The original bill had 1/2 revenue dedicated to enforcement in coastal zone. The engrossed bill changed to all revenue dedicated to issuance of commercial licenses and enforcement; this is how the final act read.

The staff recalls discussions with Mr. Roach on this. The language in the act does not specifically mention the sales card/receipt program, but we did understand this to be the intent.

Dec., 1991 BA-7 approved to increase budget for partial implementation; purchased embosser, imprinters, blank cards and mailers. (Source of funding was gill net license increase.)

January, 1992 Issued plastic cards as commercial licenses. Dealers advised that receipt program would begin July, 1992.

January, 1992 Rule published establishing design and use of card and receipt form; effective date to be July 1, 1992.

March, 1992 Status report prepared by Karen Foote and Wynnette Kees to Fred Prejean and Corky Perret. At this time, we were assuming the revenue from gill net licenses would be used for this program, but this would not be sufficient.

(No funds were included in the 1992-93 budget for this.)

<u>July, 1993</u>	Mr. Herring requested info on program re costs and resources; this was provided.
<u>August, 1993</u>	Declaration of Emergency published to delay dealer receipt form use until January, 1995.
<u>Dec., 1993</u>	Declaration of Emergency published to delay sales report form use until January, 1995.
<u>March, 1994</u>	Rule to be published to delay implementation until January, 1995

#### REVENUE COLLECTIONS

1990-91	\$ 10,641
1991-92	\$ 138,795
1992-93	\$ 304,480
1993-94 (projected)	\$ 221,637

#### EXPENDITURES

	<u>OMF</u>	<u>ENF</u>
1990-91		
1991-92	59,681*	61,060
1992-93	166,587	166,588
1993-94 (budgeted)	110,819	110,818

\* spent on items needed for issuance of cards

# State of Louisiana



Joe L. Herring  
Secretary

Fredrick J. Prejean, Sr.  
Undersecretary

Department of Wildlife and Fisheries  
Office of Management and Finance  
P.O. Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2860

Edwin W. Edwards  
Governor

July 29, 1993

## MEMORANDUM

To: Joe L. Herring, Secretary  
From: Fredrick J. Prejean, Sr., Undersecretary *J.P.*  
Re: Commercial Fisherman's Sales Card/Receipt Program

Per your request, attached is an estimate of the additional costs which would be incurred by the Office of Management and Finance should we implement this program. As part of the initial phase of this program, we began issuing "plastic cards" for commercial fishermen in 1992 and continue to do so.

I am also attaching for your information a copy of a memo dated March 18, 1992, prepared by Karen Foote and Wynnette Kees giving background and status information on this program.

With regards to revenue available to fund this program, R.S. 56:305.5 states "All revenues generated from the issuance of commercial gear licenses for gill nets to be used in the saltwater areas of the state shall be deposited to the Wildlife and Fisheries Conservation Fund to be used solely for costs associated with the issuance of commercial fishing licenses and for the enforcement of laws regulating wildlife, fish, and other aquatic life in the coastal zone of the state." Projected revenue from these licenses for 1993-94 is \$195,500. In accordance with the statutory dedication, we have allocated one half of this to OMF and one half to Enforcement.

Please contact me should you need additional information.

OFFICE OF MANAGEMENT AND FINANCE  
COMMERCIAL FISHERMAN'S SALES CARD/RECEIPT PROGRAM  
PROJECTED FIRST YEAR COSTS

Salaries and related benefits (4 clerical positions and one supervisor to edit receipts, batch for transmittal to keypunch, verify input, and supply dealers with receipts)	\$ 88,000
Travel for existing field auditor to perform on-site audits of dealers	3,000
Postage for mailing of receipts and forms	180,000
Printing and maintenance of equipment	21,000
Supplies and software	19,000
Mainframe enhancements	7,500
Professional services (computer consultant to design system)	30,000
Acquisitions (office furniture and computer equipment)	12,000
Data entry services	65,000
	<hr/>
TOTAL	\$ 425,500

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

March 18, 1992

## MEMORANDUM

To: Fredrick Prejean, Undersecretary  
W.S. "Corky" Perret, Administrator, Marine Fish Division

From: Karen Foote, Administrator, Fisheries Research Division *KF*  
Wynnette Kees, Fiscal Officer *WKK*

Re: Commercial License/Sales Card Program

### LEGAL CITATION

LA R.S. 56:303.4, 303.7, 306.3, 306.4  
Commission action: L.A.C. 76 Part VII, Chapter 2, Sec. 201, 203

### GENERAL BACKGROUND

Fisheries managers need long-term data on commercial fisheries landings to make management decisions and to assess the impact of the management measures after they have taken effect. To provide this, a comprehensive commercial landings system was created by the Legislature, designed by the Department, and ratified by the Commission. The dealer-based aspect of the program requires that the wholesale/retail dealer report to the Department purchases made directly from commercial fishermen. A plastic card and receipt system would be utilized. Data captured would include species, volume, date, time fished, gear used and area fished as well as license numbers for the fisherman and dealer. The commercial fisherman-based component of the reporting system would parallel the dealer-based component, but would provide records to the Department of direct sales from the commercial fishermen to the consumer.

It is anticipated that the enactment of the program would generate one million receipts annually. The Department currently licenses 20-25,000 commercial fishermen and 2-3,000 wholesale/retail dealers per year. See attached schedule for estimated costs of implementing the program.

The 1990 legislation creating the program had an effective date of January 1, 1992. Separate legislation in 1990 significantly increased fees for saltwater gill nets effective January 1, 1992, as a means of funding the program. However, the actual revenue increase to be realized from this fee increase will not be sufficient to cover the costs of the program.

In light of the lack of available funding, the Department proposed partial implementation. A BA-7 (budget adjustment) was submitted and approved in December, 1991, to cover certain costs based on projected revenues. Two positions requested on this BA-7 were not approved. We have spent \$59,681 in expectation of implementation, specifically for the purchase of the embossing machines to make the cards, 700 imprinters, blank cards and mailers. Effective January 1, 1992, we issued plastic cards for commercial fishermen in lieu of "paper" licenses. Dealers and fishermen were advised that use of the receipts would begin July, 1992. Dealers placed orders for the imprinters and some have already paid for them.

#### RECOMMENDATIONS

The program is acknowledged to be a necessary and important one. However, as funds do not appear to be available for full implementation, we recommend that it be delayed until sufficient funding is secured and that the Department aggressively seek such funding.

The Secretary should:

1. Confer with legislators who sponsored the legislation
2. Advise the Commission of the status of and problems with the program and seek their concurrence for a delay
3. Introduce a legislative concurrent resolution to delay the program
4. Delay the start date through APA (Commission action)

Upon direction from the Secretary, the Commercial License Section should:

1. Communicate status of program implementation and delay to the commercial fish industry
2. Refund money which has already been collected from dealers for imprinters
3. Store the imprinters until needed for implementation

COMMERCIAL LICENSE SALES CARD/RECEIPT PROGRAM  
FINANCIAL DATA

<u>CATEGORY</u>	<u>BA-7 APPROVED DEC., 1991</u>	<u>ACTUAL EXP. 1991-92</u>	<u>INITIAL YR. IMPLEMENTATION COSTS</u>	<u>EACH YR. COSTS THEREAFTER</u>
Salaries & related benefits	19,470	- 0 -	152,220	152,220
Travel	- 0 -	- 0 -	3,000	3,000
Postage	90,000	- 0 -	180,000	180,000
Printing (receipts)	8,000	- 0 -	16,000	16,000
Embossing maintenance	2,500	2,500	5,000	5,000
Sales cards	3,800	3,700	3,700	3,700
Card Mailers	1,314	1,314	1,314	1,314
Imprinters	14,050	14,700	2,100	2,100
Supplies and software	21,800	- 0 -	21,800	1,800
Embossers	37,467	37,467	- 0 -	- 0 -
Mainframe enhancements	- 0 -	- 0 -	7,500	- 0 -
Office furn., terminals	12,000	- 0 -	12,000	- 0 -
Prof. Serv. - compu consul	30,000	- 0 -	30,000	- 0 -
Data entry services	- 0 -	- 0 -	65,000	65,000
<b>TOTAL</b>	<b>240,401</b>	<b>59,681</b>	<b>499,634</b>	<b>430,134</b>



**ADDITONAL INFORMATION REGARDING PROJECTED COSTS:**

Salaries are for 7 positions - 2 biologists in Fisheries to analyze data and develop management plans; 5 in Support Services for supervisor and 4 clerical to edit receipts, batch for transmittal to keypunch, verify input, and supply dealers with receipts.

Travel for existing field auditor to audit dealers for compliance.

Costs for software, mainframe enhancements, and consulting services are estimates provided by Computer Center Manager. Based on review of Florida's system. Costs could be more or less depending on design and needs.

Data entry services based on quote from Prison Enterprises.

**REVENUE INFORMATION:**

\$ 121,855

Revenue from sale of saltwater gill net licenses @ 3/17/92 which are dedicated to sales card program

# MONTHLY CIVIL RESTITUTION REPORT

PERIOD	NO. CASES ASSESSED	AMOUNT ASSESSED	CREDIT FOR NO. SALE GOODS	CASES PAID	AMOUNT PAID	DISCOUNTS TAKEN
July, 1992	105	26,553	(10,515)	103	5,578	
Aug, 1992	137	26,153	(3,241)	95	5,292	
Sept, 1992	214	34,341	(3,245)	82	6,186	
Oct, 1992	346	238,388	(19,670)	119	8,310	292
Nov, 1992	34	17,264		220	11,744	4,651
Dec, 1992	122	76,371	(7,012)	97	5,042	1,275
Jan, 1993	77	35,470	(979)	75	7,389	3,799
Feb, 1993	40	10,787		81	13,141	6,941
March, 1993	37	15,552	(1,876)	60	13,479	5,848
April, 1993	24	8,418	(10,809)	31	5,000	2,379
May, 1993	21	16,063	(1,599)	39	5,704	2,381
June, 1993	40	23,637	(7,454)	27	8,356	4,077
Total FY 93	1,197	528,997	(66,400)	1,029	95,221	31,643
July, 1993	25	21,039	(9,778)	29	4,855	2,545
August, 1993	53	44,922	(1,137)	41	7,950	3,603
Sept., 1993	42.	137,635	(17,938)	35	6,783	3,048
October, 1993	49	21,471	(11,282)	40	3,285	1,519
Nov., 1993	57	31,207	(13,260)	32	3,053	2,845
Dec., 1993	53	13,777	0	27	6,507	6,713
Jan., 1994	38	18,918	0	32	4,423	2,831
Feb., 1994	68	38,131	(8,238)	46	9,124	5,993
March, 1994	38	22,739	(2,482)	51	10,854	6,796
April, 1994	14	44,732	(1,404)	27	7,307	4,632
Total FY 94	437	394,571	(65,519)	360	64,141	40,525

**CURRENT MONTH**  
**04/01/1994 TO 04/30/1994**

FISCAL YEAR TO DATE  
07/01/1993 TO 04/30/1994

INCEPTION TO DATE  
04/30/1994

ORIG RESTITUTION VALUES ENTERED  
SALE OF CONFISCATED COMMODS  
SALES EXCEEDING RESTITUTION

# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT
14	\$44,732.02	443	\$528,997.82	1,976	\$1,250,242.71
4	\$1,404.50-	69	\$65,445.95-	287	\$223,699.33-
2	\$394.45	28	\$20,406.54	128	\$55,133.00

RESTITUTION ASSESSED									
14		\$43,721.97	443		\$483,958.41	1,976		\$1,081,676.38	
PAYMENTS									
27		\$7,306.70-	330		\$65,042.33-	1,267		\$167,869.79-	
1		\$2.15	16		\$45.99	30		\$203.00	
16		\$4,632.07-	295		\$41,148.11-	645		\$74,571.84-	
DISCOUNTS FOR TIMELY PAYMENTS									
1		\$19.00	8		\$3,408.89	10		\$3,801.69	
REFUNDS									
0		\$0.00	0		\$0.00	2		\$7,038.85	
REMUNERATION REFUNDS									
0		\$0.00	0		\$0.00	1		\$0.80	
RETURNED CHECKS									
MISC. ADJUSTMENTS									
0		\$0.00	0		\$0.00	1		\$15.00	
DEBITS									
0		\$0.00	0		\$0.00	0		\$0.00	
CREDITS									
0		\$0.00	0		\$0.00	0		\$0.00	
REASSESSMENTS									
0		\$0.00	3		\$214.75	12		\$3,001.34	
DEBITS									
0		\$0.00	4		\$1,339.25-	33		\$9,228.05-	
CREDITS									
0		\$0.00	0		\$0.00	0		\$0.00	
ADJUST VIOLATION									
0		\$0.00	0		\$0.00	0		\$0.00	
DEBITS									
0		\$0.00	0		\$0.00	0		\$0.00	
CREDITS									
0		\$0.00	145		\$263,812.72-	177		\$267,898.63-	
WRITE-OFFS									
0		\$0.00	2		\$466.42-	4		\$586.70-	
ASSESSMENTS WITHDRAWN									
0		\$0.00	0		\$0.00	2		\$97.80-	
CASES VOIDED BY ENFORCEMENT									
						487		\$575,484.25	
** TOTAL OUTSTANDING									

### FOOTNOTE:

PAYMENTS FROM COLLECTION EFFORT  
AMOUNT PAID TO COLLECTOR

	\$0.00	5	\$1,100.00	31	\$10,262.59
	\$0.00		\$275.00		\$2,565.64
<b>AGING OF OUTSTANDING CASES</b>					
CAN NOT BE INVOICED				2	\$139.50
1 - 30 DAYS				5	\$33,811.60
31 - 60 DAYS				14	\$8,335.17
61 - 90 DAYS				17	\$10,849.28
91 - 120 DAYS				12	\$6,783.58
121 - 150 DAYS				38	\$7,824.15
151 - 180 DAYS				19	\$6,614.69
181 - 365 DAYS				316	\$416,319.70
CASES SENT FOR COLLECTION				19	\$49,004.99
OVER 1 YEAR PENDING				0	\$0.00
OVER 1 YEAR (OTHER)				40	\$25,948.86

**\*\* TOTAL AGING**

487

**\$565,631.52**

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
CLASS I ACTIVITY REPORT

DATE: 3-MAY-1994

CURRENT MONTH 04/01/1994 TO 04/30/1994 FISCAL YEAR TO DATE 07/01/1993 TO 04/30/1994

INCEPTION TO DATE 04/30/1994

FINES  
HEARING COSTS  
DEBITS  
CREDITS

# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT
671	\$34,915.00	5,754	\$296,035.00	31,238	\$1,580,807.07
342	\$8,550.00	1,873	\$46,825.00	7,462	\$186,555.00
2	\$50.00-	2	\$400.00-	2	\$675.00-

## TOTAL DUE

\$43,415.00

\$342,460.00

\$1,766,687.07

PAID IN FULL  
PARTIAL PAYMENTS  
OVERPAYMENTS  
REFUNDS  
RETURNED CHECKS  
MISC CHANGES  
DEBITS  
CREDITS  
ADJUSTMENTS TO VIOLATION  
DEBITS  
CREDITS  
VOIDS  
NOT GUILTY

# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT
273	\$14,035.00-	3,250	\$171,839.25-	15,937	\$814,506.90-
10	\$468.50-	127	\$6,199.62-	388	\$16,690.01-
1	\$25.00	46	\$7,292.50	200	\$11,774.08
0	\$0.00	21	\$1,129.00	36	\$2,227.50
0	\$0.00	6	\$300.00	18	\$900.00
0	\$0.00	6	\$90.00	18	\$270.00
2	\$1.50-	20	\$29.38-	78	\$84.65-
4	\$250.00	24	\$1,350.00	45	\$2,500.00
0	\$0.00	2	\$200.00-	5	\$250.00-
62	\$3,000.00-	286	\$5,729.25-	1,342	\$51,636.63-
18	\$900.00-	132	\$6,350.00-	277	\$13,775.00-

## TOTAL OUTSTANDING

\$887,415.46

AGING OF OUTSTANDING CASES  
FROM CITATION DATE

0 - 30 DAYS	31 - 60 DAYS	61 - 90 DAYS	91 - 120 DAYS	121 - 150 DAYS	151 - 180 DAYS	181 - 365 DAYS	OVER 1 YEAR UNCOLLECTABLE	OVER 1 YEAR PENDING	OVER 1 YEAR (OTHER)
479	440	324	120	0	0	2,178	0	0	10,336
\$25,200.00	\$23,270.00	\$18,180.00	\$8,055.00	\$0.00	\$0.00	\$149,681.00	\$0.00	\$0.00	\$663,079.46

AGING OF OUTSTANDING CASES  
FROM HEARING DATE

PRE HEARING	0 - 90 DAYS	91 - 180 DAYS	181 - 270 DAYS	271 - 365 DAYS	OVER 1 YEAR UNCOLLECTABLE	OVER 1 YEAR PENDING	OVER 1 YEAR (OTHER)
1,172	2,296	1	4	2,242	0	0	8,162
\$61,475.00	\$125,380.00	\$50.00	\$250.00	\$155,499.00	\$0.00	\$0.00	\$544,811.46

**ENFORCEMENT CASE REPORT**

**APRIL 1994**

**ENFORCEMENT CASE REPORT-APRIL 1994**

**REGION I**

**TOTAL CASES-63**

**ENFORCEMENT-61**

**OTHER - 2**

25-Boating

5-Angling W/O A License

4-Angling W/O A License Non-Resident

23-Fish W/O Resident Pole Lic.

2-Hunt Turkey Over Baited Area

1-Not Abiding By Rules And Regs. On WMA

2-Littering

1-Operate ATV Vehicle On Public Road

**CONFISCATIONS:**

1 gun, 2 turkey decoys, 2 turkey calls.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 1:**

25-Boating

33-Fishing

2-Hunting

3-Misc.

Page (2)

**REGION 2**

**TOTAL CASES-64**

**ENFORCEMENT-64**

**OTHER - 0**

11-Boating

21-Angling W/O A License

2-Angling W/O A License Non-Resident

23-Fish W/O Resident Pole License

1-Use Gear W/O Recreational Gear License

1-Take Illegal Size Black Bass

1-Hunt Or Take Deer Closed Season

1-Possess Illegal Turkey Open Season

1-Illegal Poss. Of Alligators, Eggs Or Their Skins

2-Littering

**CONFISCATIONS:**

1 hen turkey, 2 shotguns, 1 button buck.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 2:**

11-Boating

48-Fishing

2-Hunting

3-Other

**REGION 3**

**TOTAL CASES-171**

**ENFORCEMENT-171**

**OTHER - 0**

38-Boating

71-Angling W/O A License

9-Angling W/O A License Non-Resident

11-Fish W/O Resident Pole License

1-Use Gear W/O Recreational Gear License

5-Not Abiding By Rules And Regulations Of Commission Closed Seasons and Zones

1-Take Or Poss. Game Fish Illegally

8-Taking/Poss. Over Limit Or Undersized Freshwater Gamefish

4-Take Illegal Size Black Bass

1-Fail To Have Commercial Lic. In Poss.

1-Take Commercial Fish W/O Comm. Gear Lic.

1-Taking Fish Illegally

5-Theft Of Pond Raised Fish

1-Use Illegal Length/Mesh Nets-Freshwater

1-Possess Live Wild Quadrupeds, Wild Birds W/O Permit

1-Poss. Of Buckshot During Closed Deer Season

1-Hunt Or Take Deer Closed Season

1-Possess Illegal Turkey Open Season

1-Hunt Turkey Closed Season

5-Criminal Trespass

3-Littering

1-Reckless Operation Of A Vehicle



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**CONFISCATIONS:**

1 shotgun, 30 black bass, 6 white perch, 33 catfish, 5 bream, 83 lbs. of catfish, 1 deer, 6 hoop nets, 175 feet of 2 inch gill net, 1 resident fishing license.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 3:**

38-Boating

119-Fishing

5-Hunting

9-Other

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**REGION 4**

**TOTAL CASES-113**

**ENFORCEMENT-112**

**OTHER - 1**

32-Boating

32-Angling W/O A License

16-Angling W/O A License Non-Resident

20-Fish W/O Resident Pole License

1-Use Gear W/O Recreational Gear License

3-Take Or Sell Commercial Fish Or Bait Species W/O Comm. Lic.

4-Take Commercial Fish W/O Comm. Gear Lic.

2-Use Illegal Mesh Nets

1-Hunt From Public Road Or Road Right-Of-Way

1-Take Over Limit Of Turkey

1-Use WMA W/O License Or Stamp

**CONFISCATIONS:**

50 yards of 2 inch gill net, 2 hoop nets with leads.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 4:**

32-Boating

78-Fishing

2-Hunting

1-WMA

**REGION 5**

**TOTAL CASES-200**

**ENFORCEMENT-192**

**OTHER - 8**

96-Boating

61-Angling W/O A License

9-Angling W/O A License Non-Resident

1-Fish W/O Resident Pole License

1-Use Gear W/O Recreational Gear License

7-Angling W/O Saltwater Lic.

1-Taking/Poss. Over Limit Or Undersized Freshwater Gamefish

1-Take Illegal Size Black Bass

1-Take Or Poss. Undersized Red Drum

1-Fail To Have Commercial Lic. In Poss.

1-Take Or Sell Commercial Fish Or Bait Species W/O Comm. License

1-Take Commercial Fish W/O Comm. Gear License

4-Take Or Poss. Commercial Fish W/O Vessel License

1-Fail To Maintain Records

1-Transport W/O Required License

1-Illegal Shipping Of Commercial Fish Shipping Regs. Tags & Identification

3-Use Crab Traps W/O Required Markings

4-Possess Or Sell Undersized Crabs

1-Frog In Closed Season

3-Not Abiding By Rules & Regulations On WMA

1-Littering

**CONFISCATIONS:**

15 boxes of crabs, 6 bullfrogs.

Page (7)

**GRAND TOTAL OF EACH CATEGORY FOR REGION 5:**

96-Boating

100-Fishing

4-Other

**REGION 6**

**TOTAL CASES-226**

**ENFORCEMENT-215**

**OTHER - 11**

**102-Boating**

**78-Angling W/O A License**

**6-Angling W/O a License Non-Resident**

**18-Fish W/O Resident Pole License**

**1-Use Gear W/O Recreational Gear License**

**1-Taking/Poss. Over Limit Or Undersized Freshwater Gamefish**

**7-Take Illegal Size Black Bass**

**2-Take Commercial Fish W/O Comm. Gear License**

**1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License**

**2-Failure To Mark/Tag Nets**

**2-Use Illegal Nets During Trout Closure**

**1-Trawl State Waters Closed Season**

**2-Taking Or Possession Of Non-Game Birds-No Season**

**2-Not Abiding By Rules And Regs. On WMA**

**1-Other Than Wildlife And Fisheries**

**CONFISCATIONS:**

**14 Black bass, 732 lbs. of crawfish unlabeled, 1 owl, 1-200 feet of gill net, 1 boat.**

**GRAND TOTAL OF EACH CATEGORY FOR REGION 6:**

**102-Boating**

**121-Fishing**

**2-Hunting**

**1-Misc.**

**REGION 7**

**TOTAL CASES-200**

**ENFORCEMENT-200**

**OTHER - 0**

**68-Boating**

**115-Angling W/O A License**

**6-Angling W/O A License Non-Resident**

**29-Fish W/O Resident Pole License**

**1-Use Gear W/O Recreational Gear License**

**1-Angling W/O Saltwater License**

**2-Take Or Possess Game Fish Illegally**

**3-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License**

**1-Transport W/O Required License**

**6-Sell Undersize Crabs**

**1-Hunting W/O Resident License**

**1-Hunting From Moving Vehicle And/Or Aircraft**

**3-Hunting W/Unplugged Gun Or Silencer**

**1-Hunt From Public Road Or Road Right-Of-Way**

**1-Poss. Of Buckshot During Closed Deer Season**

**1-Hunt W/O Resident Big Game License**

**2-Hunt Turkey Over Baited Area**

**1-Hunt Ducks Closed Season**

**2-Not Abiding By Rules And Regs. On WMA**

**6-Other Than Wildlife And Fisheries**

**2-Poss. Red Drum Illegally**

**CONFISCATIONS:**

**3 shotguns, 1 boat, motor and trailer, 1,600 lbs. of crabs, 22 boxes of crawfish tails, & 6 redfish.**

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**GRAND TOTAL OF EACH CATEGORY FOR REGION 7:**

**68-Boating**

**117-Fishing**

**15-Hunting**

**REGION 8**

**TOTAL CASES-222**

**ENFORCEMENT-202**

**OTHER - 20**

49-Boating

43-Angling W/O A License

3-Angling W/O A License Non-Resident

2-Use Gear W/O Recreational Gear License

2-Angling W/O Saltwater License

2-Angling W/O Saltwater License Non-Resident

3-Take Or Possess Game Fish Illegally

1-Poss. O/L Of Red Drum In Excess of 27"

1-Take Or Poss. Undersized Spotted Sea Trout

1-Take Or Poss. Undersized Black Drum

1-Not Abiding By Commission Rules & Regulations

7-Take Or Sell Commercial Fish Or Bait Species W/O Comm. License

5-Take Commercial Fish W/O Comm. Gear License

10-Take Or Poss. Commercial Fish W/O Vessel License

1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

2-Fail To Maintain Records

9-Leave Nets Unattended

1-Buy Commercial Fish From Un-Lic. Fisherman

2-Blocking Passage Of Fish

1-Use Crab Traps W/O Required Markings

1-Fail To Have Commercial Fish Intact

2-Fail To Mark Softshell Crab Container Or Improper Molting Stage

3-Fail To Comply With Quota Closure Spotted Sea Trout



**REGION 8 CONT'D.**

7-Failure To Mark/Tag Nets

4-Take/Possess Undersized Black Drum

1-Take/Possess Black Drum W/O Permit

14-Possess Or Sell Undersized Crabs

5-Sell Undersize Crabs

1-Commercial Truck W/O Display Of Owner Name & Address

1-Operate W/O Wholesale-Retail License For Amphibian And Reptiles

1-Taking Oysters From Unapproved Area

1-Take Oysters Closed Season

2-Failure To Display Proper Number On Vessel

1-Failure To Tag Sacked Or Containerized Oysters

2-Buying Or Selling For Resale Untagged Oysters

2-Harvest Oysters W/O Oyster Harvester License

2-Trawl In Restricted Areas

1-Possession Of Wild Quadrupeds Or Wild Birds W/O Permit

1-Dealing In Alligator Parts W/O Proper Parts License

2-Not Abiding By Rules And Regs. On WMA

**CONFISCATIONS:**

380 lbs. of black drum which sold for \$304.00, 342 lbs. of shrimp which sold for \$684.00

1 deer, 90 lbs. of turtle meat, 3 guns, 1 boat, 9 crab box tags, 2 cast nets, 2 trawls, 6 seafood receipts, 10 gill nets, 5,400 feet of gill nets.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 8:**

49-Boating

58-Fishing

79-Commercial Fishing

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**REGION 8 CONT'D.**

**2-Trawling**

**9-Oyster**

**1-General Hunting**

**1-Alligator**

**2-WMA**

**21-Misc.**

**REGION 9**

**TOTAL CASES-291**

**ENFORCEMENT-285**

**OTHER - 6**

47-Boating

57-Angling W/O A License

2-Fish W/O Resident Pole License

9-Angling W/O A License Non Resident

1-Angling W/O Saltwater License

1-Taking/Poss. Over Limit Or Undersized Freshwater Gamefish

7-Take Or Poss. Undersized Black Drum

8-Angling W/O Saltwater Lic. Non-Resident

1-Use Gear W/O Recreational Gear License

2-Take Or Poss. Undersized Spotted Sea Trout

3-Poss. O/L Spotted Sea Trout

3-Take Or Poss. Undersized Red Drum

36-Sell Undersize Crabs

40-Possess Or Sell Undersized Crabs

4-Fail To Mark Softshell Crab Container Or Improper Molting Stage

3-Take Or Sell Commercial Fish Or Bait Species W/O Comm. Lic.

3-Take Commercial Fish W/O Commercial Gear License

2-Take Or Possess Undersize Cml. Finfish

3-Take Or Poss. Commercial Fish W/O Vessel License

1-Fail To Maintain Records

3-Take Or Sell Commercial Fish Or Bait Species W/O Comm. Lic.

3-Take Commercial Fish W/O Comm. Gear Lic.

2-Take/Poss. Undersize Cml. Finfish

**REGION 9 CONT'D.**

5-Take Or Poss. Commercial Fish W/O Vessel License

1-Fail To Maintain Records

1-Buy Commercial Fish From Un-Lic. Fisherman

3-Use Crab Traps W/O Required Markings

1-Theft Of Crab Trap

1-Take/Possess Undersized Black Drum

28-Trawl State Waters Closed Season

1-DWI

4-Littering

2-Improper Lane Usage

5-Possess Redfish Comm. Fed. Waters

1-Reckless Operation Of A Vehicle

1-Discharge Firearm From Public Road

**CONFISCATIONS:**

11,400 lbs. of crabs, 307 black drum sold for \$440.00, 10 red drum, 332 catfish, 108 sea trout, 8,192 lbs. of shrimp sold for \$26,131.50, 7 crab traps, 4 skimmer nets.

**GRAND TOTAL OF EACH CATEORY FOR REGION 9:**

202-Fishing

47-Boating

14-Misc.

28-Trawling

**OYSTER STRIKE FORCE**

**TOTAL CASES- 60**

2-Angling W/O A Basic License-Non Resident

2-Angling W/O A Saltwater License-Non Resident

1-No Commercial License In Possession

2-No Commercial Gear License

2-No Commercial Vessel License

1-Fail To Maintain Records

1-Illegal Shipping Comm. Fishing

1-Fail To Keep Comm. Fish Intact

2-Fail To Comply With Spec Closure

2-Fail To Tag Nets

1-Take Black Drum W/O Permit

1-Possess Undersize Crabs

1-Fail To Identify Comm. Vehicle

6-Skimming Closed Season

14-Trawling Outside Waters Closed Season

2-Take Oysters From Unapproved Area

1-Dealing Alligator Parts W/O Lic.

1-Expired Boat Registration

1-Resisting Officer

1-Illegal Weapon Possession

2-Possession Marijuana

1-Poss. With Intent to Distribute Crack Cocaine

**OYSTER STRIKE FORCE CONT'D.**

1-Littering

1-Speeding

1-Fail To Register Vehicle

1-Possession Undersize Red Snapper

1-Fail To Keep Cobia Intact

5-Possession Red Drum In Fed. Waters

1-Violation Of Sanitation Code-No Tarp

1-Operate W/O Wholesale/Retail Reptile/Amphib. Lic.

**CONFISCATIONS:**

115 sacks of oysters, 4 vessels, 12 trawls, 3 dredges, 5 red drum, 1 cobia, 11 red snapper, 10 specs., 3 black drum, 1 box crabs, crack cocaine, marijuana.

**STATE STRIKE FORCE**

**TOTAL CASES-141**

37-Boating

29-Angling W/O A License

10-Angling W/O A License Non-Resident

1-Fish W/O Resident Pole License

1-Angling W/O Saltwater License

1-Poss. O/L Spotted Sea Trout

1-Fail To Have Commercial Lic. In Possession

4-Take Or Sell Commercial Fish Or Bait Species W/O Comm. License

1-Take Commercial Fish W/O Comm. Gear License

4-Take Or Poss. Commercial Fish W/O Vessel License

1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

1-Fail To Maintain Records

3-Transport W/O Required License

1-Illegal Shipping Of Commercial Fish Shipping Regs., Tags & Identification

1-Buy Commercial Fish From Un-Lic. Fisherman

4-Set Crab Traps In Nav. Channels Or Entrance To Streams

2-Buy Fish W/O License

6-Possess Or Sell Undersized Crabs

10-Sell Undersize Crabs

3-Use Skimmers In Closed Season

7-Trawl State Waters Closed Season

1-Failure To Tag Sacked Or Containerized Oysters

1-Buying Or Selling For Resale Untagged Oysters

1-Dealing In Alligator Parts W/O Proper Parts Lic.

**SPECIAL STRIKE FORCE CONT'D.**

**2-Other Than Wildlife And Fisheries**

**1-Operate W/O Wholesale-Retail License For Amphibians and Reptiles**

**CONFISCATIONS:**

7,974 lbs. of shrimp sold for 22,431.00, 2,600 lbs. of crabs, 439 lbs. of catfish sold for \$165.30, 47 speckled trout, 2 sacks of oysters, 11 lbs. of frog legs, 4 lbs. of turtle meat, 4 lbs. alligator meat, 4 skimmer nets, 2 butterfly nets, 6 trawls, 3 boats.

**GRAND TOTAL OF EACH CATEGORY FOR SPECIAL STRIKE FORCE:**

37-Boating

105-Fishing

2-Other



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S.W.E.P.

119 HOURS RUNNING TIME

52 BOATS CHECKED

TOTAL CASES-32

26-Trawling outside waters closed season

1-Possession oversize red drum over 27 inches

1-No Commercial Fishing License

2-No Commercial Vessel License

2-Fail To Display Proper Commercial Numbers On vessel

CONFISCATIONS:

13 sacks of oysters, 30 trawls, 6,668 lbs. of shrimp sold for \$23,152.00.

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**TOTAL CASES ENFORCEMENT - 1502**

**TOTAL CASES OTHER DIV. - 46**

**TOTAL CASES OSFORCE - 60**

**TOTAL CASES SSFORCE - 141**

**TOTAL CASES S.W.E.P. - 32**

**GRAND TOTAL - 1580**

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

May 4, 1994

TO: Louisiana Wildlife and Fisheries Commission  
FROM: John Roussel, Marine Fisheries Division *[Signature]*  
SUBJECT: Update on Activities of the Shrimp Task Force

Per your request at the October 1993 Commission meeting, attached, please find a report on the above named subject.

JR:lr

Attachment

cc: Joe Herring  
Corky Perret

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

May 2, 1994

## M E M O R A N D U M

TO: John Roussel, Acting Administrator, Marine Fisheries  
FROM: L. Brandt Savoie, Programs Manager, Marine Fisheries  
SUBJ: Shrimp Task Force Activity, April 1994

The Governor's Task Force held a meeting in Baton Rouge on April 19, 1994. The purpose of this meeting was to discuss the results of the scoping meetings held on shrimp sanctuaries. The members of the Task Force were presented with a summary of the results of the questionnaire that was used for the scoping meetings. A brief summary of those results was presented by the Department's staff and the Task Force members were asked to review the data and contact the staff to request further analysis.

After a brief discussion of the preliminary results the Task Force asked the staff to forward the summary of the questionnaire to the Wildlife and Fisheries Commission at their next meeting. The Task Force also voted to allow the LSU Extension Service agents to release the same information through their monthly news letters.

In compliance with the request of the Task Force, I am enclosing copies of the results of the questionnaire to be distributed to the Commission members.

LBS:bs

SHRIMP MANAGEMENT  
QUESTIONNAIRE

1. What is the length of your shrimp boat? \_\_\_\_\_ ft.
- 
2. What is the MAIN type of shrimping gear that you use?  
(Circle only one)
1. TRAWL      2. BUTTERFLY      3. SKIMMER      4. CAST NET
5. PONTOON BARGE      6. WHARF NET
- 
3. What OTHER types of gear do you use?  
(Circle as many others as you use)
1. TRAWL      2. BUTTERFLY      3. SKIMMER      4. CAST NET
5. PONTOON BARGE      6. WHARF NET      7. OTHER (list) \_\_\_\_\_
- 
4. What area do you shrimp most in? (Circle only one)
1. INSHORE      2. BEACHES      3. OFFSHORE
- 
5. What other areas do you shrimp in? (Circle as many as you want)
1. INSHORE      2. BEACHES      3. OFFSHORE
- 
6. If you shrimp inshore or on the beaches, which zone do you shrimp most in? (Circle only one)
1. ZONE I      2. ZONE II      3. ZONE III
- 
7. Do you earn 50% or more of your income from some form of commercial fishing? (Circle one)
1. YES      2. NO
- 
8. What other types of commercial fishing do you do? (Circle as many as you do)
1. SHRIMP      2. CRAB      3. OYSTER      4. SALTWATER FINFISH
5. FRESHWATER FINFISH      6. CRAWFISH      7. OTHER (List) \_\_\_\_\_

9. Do you currently have a commercial fishing tax exemption number? (Circle one)

1. YES      2. NO

---

10. Have you ever filed a claim with the Fishermen's Gear Compensation Fund? (Circle one)

1. YES      2. NO

---

11. Should night shrimping be legal during WHITE SHRIMP season in INSHORE WATERS? (Circle one)

1. YES      2. NO      3. NO OPINION

---

12. Should night shrimping be legal during WHITE SHRIMP season on the BEACHES (state outside waters)? (Circle one)

1. YES      2. NO      3. NO OPINION

---

13. Should night shrimping be legal during BROWN SHRIMP season in INSHORE WATERS? (Circle one)

1. YES      2. NO      3. NO OPINION

---

14. Should night shrimping be legal during BROWN SHRIMP season on the BEACHES (state outside waters)? (Circle one)

1. YES      2. NO      3. NO OPINION

---

15. Should bottom trawls be legal shrimping gear? (Circle one)

1. YES      2. NO      3. NO OPINION

---

16. Should butterfly nets be legal shrimping gear? (Circle one)

1. YES      2. NO      3. NO OPINION

---

17. Should skimmers be legal shrimping gear? (Circle one)

1. YES      2. NO      3. NO OPINION

18. Should cast nets be legal shrimping gear? (Circle one)  
1. YES      2. NO      3. NO OPINION

---

19. Should pontoon barge or wharf nets be legal shrimping gear? (Circle one)  
1. YES      2. NO      3. NO OPINION

---

20. What should be the minimum mesh size on nets during the WHITE SHRIMP season? (Circle one)  
A. 1-inch      B. 1 1/8-inches      C. 1 1/4-inches  
D. 1 3/8-inches      E. 1 1/2-inches      F. 1 5/8-inches  
G. 1 3/4-inches      H. 2-inches

---

21. What should be the minimum mesh size on nets during the BROWN SHRIMP season? (Circle one)  
A. 1-inch      B. 1 1/8-inches      C. 1 1/4-inches  
D. 1 3/8-inches      E. 1 1/2-inches      F. 1 5/8-inches  
G. 1 3/4-inches      H. 2-inches

---

22. What should be the minimum count size (head-on) on WHITE SHRIMP? (Circle one)  
A. NO COUNT      B. 100      C. 68      D. LARGER THAN 68  
E. NO OPINION

---

23. Should double rig bottom trawls be legal in inshore waters? (Circle one)  
1. YES      2. NO      3. NO OPINION

---

24. Should the use of four rigs (quad-trawls) be legal on the beaches (state outside waters)? (Circle one)  
1. YES      2. NO      3. NO OPINION

25. When should BROWN SHRIMP season open on the beaches?  
(Circle one)

1. BEFORE INSIDE WATERS      2. SAME TIME AS INSIDE WATERS  
3. NO OPINION
- 

26. What is your opinion of the opening date of BROWN SHRIMP season? (Circle one)

1. ABOUT RIGHT      2. TOO EARLY      3. TOO LATE      4. NO OPINION
- 

27. WHITE SHRIMP season has usually opened on the third Monday in August. What is your opinion of this date? (Circle one)

1. ABOUT RIGHT      2. TOO EARLY      3. TOO LATE      4. NO OPINION
- 

28. What is your opinion about the number of shrimpers in the fishery at this time? (Circle one)

1. ABOUT RIGHT      2. TOO MANY      3. TOO FEW      4. NO OPINION
- 

29. Should "limited entry" be used to manage the number of shrimpers? (Circle one)

1. YES      2. NO      3. NO OPINION
- 

30. Should license fees be INCREASED to manage the number of shrimpers? (Circle one)

1. YES      2. NO      3. NO OPINION
- 

31. If you answered yes to the question above, what would be a fair price to charge for the license? \_\_\_\_\_

---

32. Do you support the establishment of shrimp sanctuaries for the protection of small white shrimp? (Circle one)

1. YES      2. NO



SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 1 - VESSEL LENGTH

1

OBS	A1	COUNT	PERCENT
1	.	41	.
2	< 25 FOOT	175	19.5531
3	26-44 FOOT	419	46.8156
4	> 45 FOOT	301	33.6313

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 2 - MAIN TYPE OF GEAR

2

OBS	A2	COUNT	PERCENT
1	BARGE	2	0.2574
2	BUTTERFLY	100	12.8700
3	CAST NET	4	0.5148
4	SKIMMER	229	29.4723
5	TRAWL	439	56.4994
6	WHARF NET	3	0.3861

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 3 - OTHER TYPE OF GEAR

3

OBS	A2	A3	COUNT	PERCENT
1	BARGE	BUTTERFLY	1	0.1779
2	BARGE	CAST NET	1	0.1779
3	BARGE	TRAWL	1	0.1779
4	BUTTERFLY	BARGE	8	1.4235
5	BUTTERFLY	CAST NET	25	4.4484
6	BUTTERFLY	SKIMMER	19	3.3808
7	BUTTERFLY	TRAWL	61	10.8541
8	CAST NET	SKIMMER	1	0.1779
9	CAST NET	TRAWL	1	0.1779
10	SKIMMER	BARGE	10	1.7794
11	SKIMMER	BUTTERFLY	54	9.6085
12	SKIMMER	CAST NET	4	0.7117
13	SKIMMER	TRAWL	182	32.3843
14	SKIMMER	WHARF NET	2	0.3559
15	TRAWL	BARGE	3	0.5338
16	TRAWL	BUTTERFLY	84	14.9466
17	TRAWL	CAST NET	21	3.7367
18	TRAWL	OTHER NET	4	0.7117
19	TRAWL	SKIMMER	74	13.1673
20	TRAWL	WHARF NET	4	0.7117
21	WHARF NET	CAST NET	1	0.1779
22	WHARF NET	SKIMMER	1	0.1779

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 4 - MAIN AREA FISHED

4

OBS	A4	COUNT	PERCENT
1	BEACHES	103	12.5304
2	INSHORE	686	83.4550
3	OFFSHORE	33	4.0146

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 5 - OTHER AREAS FISHED

5

OBS	A4	A5	COUNT	PERCENT
1	BEACHES	INSHORE	66	9.7778
2	BEACHES	OFFSHORE	52	7.7037
3	INSHORE	BEACHES	443	65.6296
4	INSHORE	OFFSHORE	80	11.8519
5	OFFSHORE	BEACHES	19	2.8148
6	OFFSHORE	INSHORE	15	2.2222

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 6 - MAIN ZONE FISHED

6

OBS	A6	COUNT	PERCENT
1	ZONE 1	139	16.4887
2	ZONE 2	571	67.7343
3	ZONE 3	133	15.7770

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 7 - 50% OF INCOME

7

OBS	A7	COUNT	PERCENT
1	NO	110	11.9177
2	YES	813	88.0823

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 8 - OTHER COMMERCIAL FISHING

8

OBS	A8	COUNT	PERCENT
1	CRAB	51	11.8329
2	CRAWFISH	14	3.2483
3	FRESH FISH	7	1.6241
4	OTHER FISH	5	1.1601
5	OYSTER	30	6.9606
6	SALT FISH	33	7.6566
7	SHRIMP	291	67.5174



SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 9 - CURRENT TAX EXEMPTION

9

OBS	A9	COUNT	PERCENT
1	NO	590	65.0496
2	YES	317	34.9504

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 10 - GEAR FUND CLAIM

10

OBS	A10	COUNT	PERCENT
1	NO	547	60.1099
2	YES	363	39.8901

## SHRIMP MANAGEMENT QUESTIONNAIRE

11

ANSWER TO QUESTION 11 - NIGHT SHRIMPING INSHORE WHITE SHRIMP SEASON

OBS	All	COUNT	PERCENT
1	NO	405	44.3107
2	NO OPINION	50	5.4705
3	YES	459	50.2188

## SHRIMP MANAGEMENT QUESTIONNAIRE

12

ANSWER TO QUESTION 12 - NIGHT SHRIMPING BEACHES WHITE SHRIMP SEASON

OBS	A12	COUNT	PERCENT
1	NO	389	42.3747
2	NO OPINION	101	11.0022
3	YES	428	46.6231

## SHRIMP MANAGEMENT QUESTIONNAIRE

13

ANSWER TO QUESTION 13 - NIGHT SHRIMPING INSHORE BROWN SHRIMP SEASON

OBS	A13	COUNT	PERCENT
1	NO	260	28.2302
2	NO OPINION	34	3.6916
3	YES	627	68.0782

## SHRIMP MANAGEMENT QUESTIONNAIRE

14

ANSWER TO QUESTION 14 - NIGHT SHRIMPING BEACHES BROWN SHRIMP SEASON

OBS	A14	COUNT	PERCENT
1	NO	243	26.3844
2	NO OPINION	76	8.2519
3	YES	602	65.3637

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 15 - BOTTOM TRAWL LEGAL

15

OBS	A15	COUNT	PERCENT
1	NO	37	4.0217
2	NO OPINION	32	3.4783
3	YES	851	92.5000

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 16 - BUTTERFLY NETS LEGAL

16

OBS	A16	COUNT	PERCENT
1	NO	323	35.0706
2	NO OPINION	31	3.3659
3	YES	567	61.5635



SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 17 - SKIMMERS LEGAL

17

OBS	A17	COUNT	PERCENT
1	NO	391	42.5000
2	NO OPINION	50	5.4348
3	YES	479	52.0652

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 18 - CAST NETS LEGAL

18

OBS	A18	COUNT	PERCENT
1	NO	253	27.7717
2	NO OPINION	98	10.7574
3	YES	560	61.4709

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 19 - BARGE WHARF NETS LEGAL

19

OBS	A19	COUNT	PERCENT
1	NO	618	67.4672
2	NO OPINION	69	7.5328
3	YES	229	25.0000

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 20 - MINIMUM MESH SIZE WHITE SHRIMP

20

OBS	A20	COUNT	PERCENT
1	1 1/2 INCH	435	48.0663
2	1 1/4 INCH	180	19.8895
3	1 1/8 INCH	17	1.8785
4	1 3/4 INCH	30	3.3149
5	1 3/8 INCH	196	21.6575
6	1 5/8 INCH	34	3.7569
7	1 INCH	10	1.1050
8	2 INCH	3	0.3315

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 21 - MINIMUM MESH SIZE BROWN SHRIMP

21

OBS	A21	COUNT	PERCENT
1	1 1/2 INCH	120	13.2597
2	1 1/4 INCH	461	50.9392
3	1 1/8 INCH	39	4.3094
4	1 3/4 INCH	21	2.3204
5	1 3/8 INCH	238	26.2983
6	1 5/8 INCH	15	1.6575
7	1 INCH	11	1.2155

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 22 - MINIMUM COUNT WHITE SHRIMP

22

OBS	A22	COUNT	PERCENT
1	100 COUNT	523	57.5358
2	68 COUNT	210	23.1023
3	> 68 COUNT	50	5.5006
4	NO COUNT	83	9.1309
5	NO OPINION	43	4.7305

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 23 - DOUBLE RIG LEGAL INSHORE

23

OBS	A23	COUNT	PERCENT
1	NO	452	49.0239
2	NO OPINION	67	7.2668
3	YES	403	43.7093

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 24 - QUAD RIG LEGAL OFFSHORE

24

OBS	A24	COUNT	PERCENT
1	NO	574	62.3913
2	NO OPINION	84	9.1304
3	YES	262	28.4783



SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 25 - BROWN SHRIMP OPEN ON BEACH

25

OBS	A25	COUNT	PERCENT
1	BEFORE IN	227	24.7277
2	NO OPINION	63	6.8627
3	SAME AS IN	628	68.4096

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 26 - OPINION OPENING BROWN SHRIMP DATE

26

OBS	A26	COUNT	PERCENT
1	ABOUT RIGHT	298	32.7473
2	NO OPINION	50	5.4945
3	TOO EARLY	75	8.2418
4	TOO LATE	487	53.5165

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 27 - OPINION OPENING WHITE SHRIMP DATE

27

OBS	A27	COUNT	PERCENT
1	ABOUT RIGHT	682	74.6171
2	NO OPINION	23	2.5164
3	TOO EARLY	67	7.3304
4	TOO LATE	142	15.5361

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 28 - OPINION NUMBER OF SHRIMPERS IN FISHERY

28

OBS	A28	COUNT	PERCENT
1	ABOUT RIGHT	249	27.0358
2	NO OPINION	149	16.1781
3	TOO FEW	29	3.1488
4	TOO MANY	494	53.6374

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 29 - LIMITED ENTRY

29

OBS	A29	COUNT	PERCENT
1	NO	437	47.5000
2	NO OPINION	110	11.9565
3	YES	373	40.5435

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 30 - INCREASE LICENSE FEE

30

OBS	A30	COUNT	PERCENT
1	NO	754	81.7787
2	NO OPINION	41	4.4469
3	YES	127	13.7744

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 31 - INCREASE LICENSE FEES

31

OBS	A31	COUNT	PERCENT
1	.	794	.
2	0	2	1.4085
3	1-25 DOLLARS	22	15.4930
4	26-50 DOLLARS	7	4.9296
5	51-75 DOLLARS	3	2.1127
6	76-100 DOLLARS	26	18.3099
7	101-200 DOLLARS	14	9.8592
8	201-400 DOLLARS	9	6.3380
9	401-600 DOLLARS	23	16.1972
10	601-1000 DOLLARS	32	22.5352
11	> 1000 DOLLARS	4	2.8169

SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 32 - SHRIMP SANCTUARIES

32

OBS	A32	COUNT	PERCENT
1	NO	594	65.5629
2	YES	312	34.4371



SHRIMP MANAGEMENT QUESTIONNAIRE  
ANSWER TO QUESTION 32 - SHRIMP SANCTUARIES

1

OBS	LOC	A32	COUNT	PERCENT
1	DULAC	NO	140	73.6842
2	DULAC	YES	50	26.3158
3	CAMERON	NO	40	52.6316
4	CAMERON	YES	36	47.3684
5	ABBEVILLE	NO	52	54.1667
6	ABBEVILLE	YES	44	45.8333
7	CUTOFF	NO	72	46.1538
8	CUTOFF	YES	84	53.8462
9	GRAND ISLE	NO	19	67.8571
10	GRAND ISLE	YES	9	32.1429
11	LAFITTE	NO	75	69.4444
12	LAFITTE	YES	33	30.5556
13	BURAS	NO	55	56.7010
14	BURAS	YES	42	43.2990
15	ST BERNARD	NO	141	90.9677
16	ST BERNARD	YES	14	9.0323

## 1

Q1  
Midpoint


	Cum.		Cum.
Freq	Freq	Percent	Percent

10		0	0	0.00	0.00
15	*****	34	34	3.80	3.80
20	*****	56	90	6.26	10.06
25	*****	134	224	14.97	25.03
30	*****	186	410	20.78	45.81
35	*****	79	489	8.83	54.64
40	*****	91	580	10.17	64.80
45	*****	62	642	6.93	71.73
50	*****	94	736	10.50	82.23
55	*****	46	782	5.14	87.37
60	*****	48	830	5.36	92.74
65	****	21	851	2.35	95.08
70	****	20	871	2.23	97.32
75	***	13	884	1.45	98.77
80		2	886	0.22	98.99
85	*	3	889	0.34	99.33
90	*	3	892	0.34	99.66
95		0	892	0.00	99.66
100	*	3	895	0.34	100.00

20    40    60    80 100 120 140 160 180

Frequency

# S E P T E M B E R 1 9 9 4



- 5th NEW MOON
- ◐ 12th FIRST QUARTER
- 19th FULL HARVEST MOON
- ◑ 27th LAST QUARTER

August 1994

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY																																										
			1		2	3																																										
4	5 HOLIDAY	6 Rosh Hashanah	7	8	9	10																																										
11	12 Labor Day	13	14	15 Yom Kippur	16	17																																										
18 Grandparents Day	19	20	21	22	23 Autumnal Equinox Native American Day	24																																										
25	26	27	28 Frances Willard Day (Min., Wis.)	29	30	<p>October 1994</p> <table> <tr> <th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th> </tr> <tr> <td></td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td> </tr> <tr> <td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td> </tr> <tr> <td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td> </tr> <tr> <td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td> </tr> <tr> <td>29</td><td>30</td><td>31</td><td></td><td></td><td></td><td></td> </tr> </table>	S	M	T	W	T	F	S		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31				
S	M	T	W	T	F	S																																										
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22	23	24	25	26	27	28																																										
29	30	31																																														

Good burrives in summer will save their own seeds / Against the next year, as occasion needs:  
One seed for another, to make an exchange, / With fellow neighborhood, seemeth not strange.

**FAX TRANSMITTAL**

**TO:** Ms. Micah Allen

Landmark Hotel

**FAX#** \_\_\_\_\_

**FROM** Susan Hawkins, Dept. Wildlife & Fisheries

**RE:** Posting Meeting Agenda

As per your conversation yesterday with Guy LaBranche  
I am faxing this News-Release Agenda to be posted on  
the main entrances to the Hotel and on the doors to  
the Meeting Room.

Thank you.

**DATE:** 5/3/94

**TIME SENT** \_\_\_\_\_

**FOR INFORMATION CALL (504) 765- 2806**

**OUR FAX # (504) 765-2607**

**PAGES TO FOLLOW** 1

# Louisiana Department of Wildlife and Fisheries

## NEWS RELEASE

Joe L. Herring  
Secretary



CONTACT  
(504) 765-2923

94-91

4/29/94

### WILDLIFE & FISHERIES COMMISSION TO MEET IN METAIRIE

The Louisiana Wildlife and Fisheries Commission will conduct its next regular meeting on **Thursday, May 5, 1994**, at 10:00 a.m. at the **Landmark Hotel** in Metairie, La.

The meeting is open to the public. The agenda follows.

1. Roll call.
2. Approval of April 7, 1994, minutes.
3. Shell dredging lease bid package, central coast.
4. Presentation of data and Declaration of Emergency to set the 1994 Spring Inshore Shrimp Season.
5. Consideration of ban on night shrimping in Vermilion Bay.
6. Proposed resolution on lead sinker ban submitted by the Environmental Protection Agency.
7. Aircraft report.
8. Changes in proposed 1995 Turkey Hunting Season dates on certain wildlife management areas.
9. Consideration of Deer Archery Season dates.
10. Public comments on proposed 1994-95 Resident Hunting Seasons.
11. Resolution: Pearl River navigation project.
12. Report on Fisherman's Sales Card and Dealer Receipt Card (information only).
13. Civil restitution and class 1 update.
14. Monthly law enforcement report/April.
15. Secretary's report to the Commission.
16. Set September 1994 meeting date.
17. Public comments.

# State of Louisiana



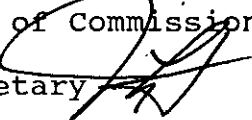
Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

April 26, 1994

## MEMORANDUM

TO: Chairman and Members of Commission  
FROM: Joe L. Herring, Secretary   
SUBJECT: May Board Meeting Agenda

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, May 5, 1994, at the Landmark Hotel, Metairie, LA.

The following will be on the agenda:

1. Approval of Minutes of April 7, 1994

## BERT JONES/MINERALS COMMITTEE

2. Shell Dredging Lease Bid Package, Central Coast

## CORKY PERRET

3. Presentation of Data and Declaration of Emergency to Set 1994 Spring Inshore Shrimp Season
4. Proposed Resolution on Lead Sinker Ban Submitted by EPA

## LEE CAUBARREAU

5. Aircraft Report
6. Changes in Proposed 1995 Turkey Hunting Season Dates on Certain WMAs
7. Consideration of Deer Archery Season Dates
8. Public Comments on 1994-95 Resident Game Hunting Seasons

Page 2  
Commission Meeting  
April 26, 1994

MAURICE WATSON

9. Pearl River Navigation Project

FRED PREJEAN

10. Report on Fisherman's Sales Card and Dealer Receipt Card,  
Information Only

WYNNETTE KEES

11. Civil Restitution and Class 1 Update

WINTON VIDRINE

12. Monthly Law Enforcement Report/April

JOE L. HERRING

13. Secretary's Report to the Commission

14. Set September 1994 Meeting Date

PUBLIC COMMENTS

JLH:sch

C: Clyde Kimball  
Fred Prejean  
Lee Caubarreaux  
Corky Perret  
Don Puckett  
John Medica  
Division Chiefs

---

**JOHN F. 'JEFF' SCHNEIDER**

23473 HWY. 22 • PONCHATOULA • LA • USA • 70454



(504) 386-2694

(504) 386-8593

---

Date:

Total # of pages including cover sheet:To: *Susan Hawkins*Recipient Fax: *765-2607*

Memo:

*O.K. , but please add  
Pearl river bridging project once again.*

*Thank -  
Jeff*

---

**Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax**



April 26, 1994

NEWS RELEASE

APPROVED: 

AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be held on Thursday, May 5, 1994 at 10:00 A.M. at the **Landmark Hotel, Metairie, LA.**

1. Roll Call
2. Approval of Minutes of April 7, 1994
3. Shell Dredging Lease Bid Package, Central Coast
4. Presentation of Data and Declaration of Emergency to Set 1994 Spring Inshore Shrimp Season
5. Proposed Resolution on Lead Sinker Ban Submitted by EPA
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12. Civil Restitution and Class 1 Update
13. Monthly Law Enforcement Report/April
14. Secretary's Report to the Commission
15. Set September 1994 Meeting Date
16. Public Comments

FAX'd 4/21/94 -  
8:30a.m.

**FAX TRANSMITTAL**

**TO:** Jeff Schneider

**FAX#** \_\_\_\_\_

**FROM** Susan Hawkins

**RE:** May Commission Agenda

Please review the attached agenda for the May Commission Meeting and let me know if there are any changes that need to be made. Thank you.

**DATE:** April 20, 1994

**TIME SENT** \_\_\_\_\_

**FOR INFORMATION CALL (504) 765- 2806**

**OUR FAX # (504) 765-2607**

**PAGES TO FOLLOW** 2

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WYNNETTE KEES

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WINTON VIDRINE

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12. Secretary's Report to the Commission

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PUBLIC COMMENTS

JLH:sch

C: Clyde Kimball  
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Corky Perret  
Don Puckett  
John Medica  
Division Chiefs

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

April 7, 1994

## MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-  
Office of Wildlife, and Assistant Secretary-Office of  
Fisheries

FROM: Joe L. Herring, Secretary *JLH*

SUBJECT: Commission Meeting Agenda - May 5, 1994

Please write on the bottom of this memo and return to Susan Hawkins by Monday, April 18, 1994 any agenda items your office may have for the Thursday, May 5th Commission Meeting to be held in New Orleans, Louisiana at the Landmark Hotel. This meeting will begin at 10:00 a.m. on May 5th. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda. Thank you for your cooperation!

JLH/sch

cc: Commissioners  
Don Puckett ✓  
Bob Dennie  
Winton Vidrine  
Hugh Bateman  
Johnnie Tarver  
Bennie Fontenot  
John Roussel  
Wynnette Kees  
Karl Turner

*Susan -*  
*- Shell dredging again*  
*- some warding*  
*- minerals Committee*

# State of Louisiana



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Wynnette Kees  
Karl Turner

Wildlife Division

3- Public Comments- 94-95 Resident  
Game Hunting Seasons ~~COPIED~~

~~CHANGES~~ Proposed Hunting DATES FOR CERTAIN WMA'S  
- H. Bateman

2- Consideration of Archery Season ~~COPIED~~  
- Dave Moreland

# State of Louisiana



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April 7, 1994

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FROM: Joe L. Herring, Secretary *[Signature]*

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John Roussel  
Wynnette Kees ✓  
Karl Turner

REC'D

APR 08 94

OFFICE OF WILDLIFE  
ASSISTANT SECRETARY

An Equal Opportunity Employer

*Wynnette - Civil Restitution  
Fred - Commercial Sales  
Work/receipt program  
for Tee Joan*

*Wbk  
4-8-94*

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

APR 07 94

April 7, 1994

## MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-  
Office of Wildlife, and Assistant Secretary-Office of  
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FROM: Joe L. Herring, Secretary *[Signature]*

SUBJECT: Commission Meeting Agenda - May 5, 1994

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Bennie Fontenot  
John Roussel  
Wynnette Kees  
Karl Turner

*nothing for this meeting - we will  
be putting up a display - in 7-0*

*bad  
4-15-94*

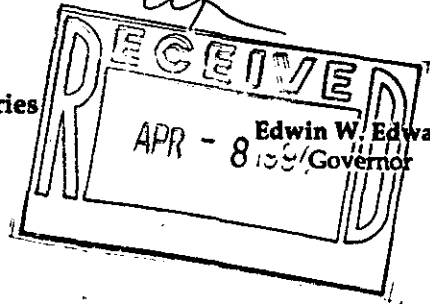


# State of Louisiana



Joe L. Herring  
Secretary

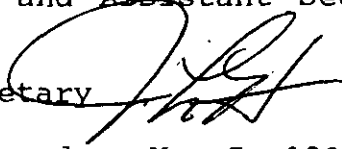
Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800



April 7, 1994

## MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-  
Office of Wildlife, and Assistant Secretary-Office of  
Fisheries

FROM: Joe L. Herring, Secretary 

SUBJECT: Commission Meeting Agenda - May 5, 1994

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Bennie Fontenot  
John Roussel  
Wynnette Kees  
Karl Turner

A handwritten signature, possibly "ef", with a long, sweeping underline.

☐ Purchase Order  
☒ Contract Item  
☐ Requisition  
☐ Request For Approval To Proceed

Invoice Date: 12/16/93  
Date Typed: 1/19/94  
Typed By: Lisa Reaux

D 90784

**The purchase order number must appear on all invoices, delivery memoranda, bills of lading, packages and correspondence.**

**Vendor:**

Deliver to: (Specify exact street address or location for shipper, do not use box number)

Landmark Hotel - Metairie

2601 Severn Avenue

Metairie, LA 70002

**Louisiana Department of Wildlife and Fisheries**  
**Marine Fisheries Division**  
**2000 Quail Drive, Room 344**  
**Attn: Linda River**  
**Baton Rouge, LA 70808**

Class	Commodity Description	Qty./Unit Ord./	Item No.	Unit Price	Amount
This section to be used for brief description of request and special conditions or instructions. Type all specifications on plain paper and attached hereto.					
	Deposit for Room Rental for <del>February</del> <sup>MAY</sup> , 1994				\$400.00
	Commission Meeting				
Budget Page and Line	Property Tag No.	Estimated Cost	TOTAL		\$400.00

Above items  
to be  
used for:

### SUGGESTED VENDORS OR QUOTATIONS

1			2			3		
Fiscal Year Appropriation	Cost Center	Object	Obj. Det.	Project No.	Amount	Recommended for Purchase: _____ Date _____		
93/94	21010	2340	81	5121001	\$400.00	Approved By: _____ Date _____		
						Approved By: _____ Date _____		
						Approved By: _____ Date _____		

ORGANIZATION: DEPT. OF WILDLIFE & FISHERIES EVENT DAY: Thursday  
 POST AS: Same EVENT DATE: 5/5/94  
 CONTACT: Ms. Linda Rivet PHONE: (1) 765-2884 FAX:  
 ADDRESS: P.O. Box 98000, Baton Rouge, LA 70898  
 PAYMENT SCHEDULE: See below

ROOM RENTAL FEE: \$750.00 + tax		ROOM: Mardi Gras II & III	
TYPE OF FUNCTION: Meeting		HOURS: 10am-4pm	GUEST #: 300
ROOM READY AT 9 a.m.  Theatre Style for 300 Head table-(2) 8' draped tables on riser with (8) chairs On MG I air wall, place (2) 8' draped tables with (10) chairs for the press Registration table with (2) chairs at entrance inside room  \$400.00 deposit due with signed contract; balance due prior to event.		Coffee Breaks TBA	
AUDIO VISUAL REQUIREMENTS			
Audio visual requirements will be provided by Automated Audio Visual at an additional charge to be billed to you separately and directly.			
EQUIPMENT TO BE ORDERED:			
----- ----- -----			
		Menu Price: TBA	
		Guarantee Due By: 5/3/94	
		Guarantee: _____	

\* ADVANCE DEPOSIT WILL BE REFUNDED IF ARRANGEMENTS ARE CANCELLED BY 4/3/94. AFTER THIS DATE DEPOSIT WILL BE FORFIETED.

*Fredrick P. Ryan*  
 \_\_\_\_\_  
 Authorized Representative  
*Undersecretary* 1-18-94  
 Title Date

*Micah Allen* 16 Dec '93  
 \_\_\_\_\_  
 Micah Allen  
 Catering Manager

SHOULD YOUR GUARANTEE FALL BELOW 75% OF THE ORIGINAL CONTRACTED ATTENDANCE, THEN FUNCTION ROOM RENTAL OF \$100.00 SHOULD BE APPLICABLE.